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Yours very Truly
Thos. Corwin

SPEECHES

OF

THOMAS CORWIN,

WITH A SKETCH OF HIS LIFE.

EDITED BY ISAAC STROHM.

DAYTON, OHIO:
WM. F. COMLY & CO., PUBLISHERS.
1859.

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ADVERTISEMENT.

THE frequent application for copies of one or more of Mr. Corwin's speeches, and the wish often expressed that all his reported speeches could be obtained in a single volume, induced the publishers to collect and print them in their present form. Beginning with Mr. Corwin's first effort in the Legislature of Ohio in 1822, and continuing through the period of his services in both Houses of Congress, this volume contains every speech delivered by him of which a record has been made. To these we have added the only one of his addresses to a public society that has found its way to the printing-office, and so has been preserved.

Mr. Corwin, we believe, has never written out a single one of his political speeches *before* its delivery, and no appeals from his friends, however strongly made, have thus far induced him to prepare any for the press, *after* the people had heard them from his own lips. Perhaps no more welcome addition could be made to the libraries of the scholar, the politician, and the masses of the people, than the book which we now offer to the public.

THE PUBLISHERS.

MEMOIR

OF

THOMAS CORWIN.

If we were to judge from the apparent facility with which modern biographies are written, it would seem to be the easiest thing imaginable to make a hero, and to surround his deeds, trivial though they may, in reality, be, with all the charms of romance. Incidents the most common-place are made to appear striking in magnitude and importance; and not a circumstance in the life of the individual whose acts are thus to be registered, but assumes a character and importance truly astonishing

The writer of this has little ability, and still less inclination, to indulge in such an inflated, or rather inflamed style of portraiture, nor does the subject of the present sketch need it; and in preparing a memoir of the distinguished man—a collection of whose speeches is now offered, in a convenient form, to the public—he simply desires to present such facts as will, in some degree, gratify the curiosity natural to the reader.

To note these, in the history of a living statesman, is, when properly considered, an office of some delicacy. But, however averse the writer may be to studied laudation, he will nevertheless not withhold anything true and deserved because it may appear eulogistic. The

limits which he has prescribed to himself compel him to be brief; and he will leave to a later period, and for abler pens, the grateful labor of a more extended biography of THOMAS CORWIN.

The Corwin family originally immigrated to the American colonies from Hungary, and, it is said, are traceable to the celebrated Matthias Corvinus of that country. Several branches of the family subsequently settled in Kentucky, where, in the county of Bourbon, on the 29th day of July, 1794, the subject of this Memoir was born.

In the autumn of 1798, his father, Matthias Corwin, removed to what is now Warren county, Ohio, and settled on a small farm near the present site of Lebanon, in that county. He served for many years in the Ohio Legislature, after that portion of the North-western Territory became a State—a part of the time presiding as Speaker of the House, distinguished for the dignity and impartiality with which he discharged the duties of that office. His name, in that capacity, is still to be found attached to many statutes yet in force. He was one of the associate judges of the Court of Common Pleas for Warren county, an office which he held at the period of his death, in 1829. No man was more esteemed in the community in which he lived than Judge Corwin. He was one of the most respectable and honored men in the State, in his day, and is remembered by his neighbors as a faithful member of the Baptist Church, and as a public officer of unimpeachable integrity.

THOMAS CORWIN'S early education was obtained under such limited advantages as were common in a newly-

settled country. "The first school he entered," we find, in an article published in 1840 by his schoolmate and kinsman,* "was in the fall of 1798. It was a low, rough log-cabin, put up in a few hours by the neighbors who formed the little settlement, and stood on the north bank of Turtle creek, about half a mile west of the place where the town of Lebanon now stands." That school was then, and only for a short time, taught by the late Judge Dunlevy. Nothing like a regular and continuous school existed in that vicinity until the year 1806, when the Rev. J. Grigg commenced one under more favorable prospects in Lebanon, that town having then been laid out about three years, and numbering some forty or fifty families. During the two years Mr. Grigg continued his school, Thomas could only attend through the winter months, his services being required at home during the busy farming seasons. "It was here, however," continues his kinsman, "that Thomas completed most of his *college* education." An elder brother, Matthias, had been designated by their father for one of the learned professions, and was supplied with a good collection of books for his preparatory studies. Thomas availed himself of these, and made such use of them during his leisure hours as profited him vastly in his self-education in maturer years.

In the autumn of 1812, a sudden call was made for troops to join the army on the northern frontier, in the war then pending with Great Britain. It was just after the disgraceful capitulation of General Hull; and in the derangement of the plans of the War Department which it occasioned, the supplies of provisions for the American

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* A. H. Dunlevy, Esq.

soldiers fell short. Here was a demand on the patriotism of the citizens of a then sparsely inhabited country, and it required prompt action on their part to furnish the necessary sustenance upon so sudden an emergency. The elder Mr. Corwin, in view of this pressing public need, determined to send his team to aid in the benevolent work of supplying food to the suffering army, and Thomas, then a lad of seventeen, volunteered to be teamster.

Returning from the frontier, Thomas continued to labor, as he had previously done, upon his father's farm, until some time in the year following, when he received, while driving the team, an injury upon his knee, which rendered him incapable of pursuing active physical labor. During the tedious months through which he was compelled to nurse this wound, he again had recourse to his brother's books, to which "he betook himself with intense application, and" (to quote again from the article to which we have referred) "before the crack of his wagon-whip, and his shrill voice at the plough, had died away in the ears of his neighbors,

'He was a scholar, and a ripe and good one.'"

Soon after this he entered the office of the Clerk of the Common Pleas Court, then in charge of his brother Matthias; and, in the year 1816, he commenced the study of law under Joshua Collett, Esq., who was afterwards successively president of that judicial circuit, and one of the judges of the Supreme Court of the State. Mr. Corwin was admitted to the bar in 1817. He at once took a commanding position as an advocate in the courts which he attended, and was looked upon as a leading

spirit by his brethren of the legal profession. Of his achievements in this as well as in every other sphere in which his talents were called into active play, the writer may have further occasion to speak.

Mr. CORWIN's career as a public man began in 1822, in which year he was first elected a member of the lower branch of the General Assembly of Ohio. In this body he served for a short period only; but his course, as a representative, "was characterized," observes a writer in the *American Review*, "by the marks of independence, uprightness, and eloquence which have given him so much distinction since."

On retiring from the legislature, for an interval of several years Mr. CORWIN devoted himself assiduously to the practice of his profession, which had then become extensive and profitable, and was retained long after his public duties, to which, as will be seen, he was subsequently called, engrossed so much of his time and attention. In 1829, he was again returned to the Legislature of Ohio, under circumstances much to his credit as a man worthy of public confidence. In that year, for the first time in the history of the elections in Warren county, an attempt was made to choose members of the General Assembly as mere partisans, and a "Jackson" ticket was nominated. But the idea, among the staid yeomanry of that district, in those days, of selecting legislators merely because they were the adherents of this or that man for the Presidency, so outraged the people's sense of propriety, that, without regard to the divisions in sentiment which had theretofore existed, they determined to rebuke that attempt. Mr. CORWIN (much against his inclination) and Ex-governor Morrow, con-

sented to be the candidates of the people, and were elected by decided majorities.

In 1830, he was first returned to the Congress of the United States. Although before that time he had been earnestly solicited to be a candidate, he had always declined, from term to term, in favor of others for whose hopes and aspirations he entertained a tender regard. The district was then composed of Warren and Butler, and contained, as was shown at previous elections, a decided majority in favor of General Jackson, to whose elevation to the Presidency Mr. CORWIN had always been opposed. But such was the personal popularity and admitted merit of Mr. CORWIN, that he was enabled to overcome this partisan opposition, and he was elected by a large vote. He was re-elected to each successive Congress until 1840, when, in consequence of his nomination for Governor, at the great mass-convention held at Columbus, on the 22d February of that memorable year, he resigned his seat, to take effect in May following.

During the campaign of 1840, he became extensively known as an effective public speaker, and to his efforts, perhaps, more than to those of any other man in the Union, the unexampled majority of General Harrison, in November of that year, may be attributed. His majority for Governor was so much greater than was ever before attained by a successful candidate in a strenuously contested canvass, that it proved a sure precursor of a still larger one for the veteran of Tippecanoe.

Mr. CORWIN served but one term as Governor, his former competitor, through a diversion in favor of an ultra anti-slavery candidate, having led him, in the contest of 1842, by a plurality of some five thousand votes.

In 1844, he was placed at the head of the Clay electoral ticket, in Ohio. Soon after the meeting of the State Legislature in that year, he was elected United States Senator by that assembly, both branches of which were then, for the first time in a series of years, composed of a majority of opponents to the Democratic party. Mr. CORWIN took his seat in that highest legislative council in the world, upon the accession of Mr. Polk to the Presidential chair, in 1845, and served until July 22d, 1850, when, at the invitation of President Fillmore, he entered upon the duties of Secretary of the Treasury. After the expiration of that administration, in 1853, and until the fall of 1858, he attended to his professional duties in his law office in Cincinnati, maintaining his residence permanently in Lebanon, among his old neighbors, comparatively aloof from the political questions of the day. But men like Mr. CORWIN are never unconcerned about the workings of our political system, nor uninformed as to the various phases which such topics as interest the people are constantly assuming. Assenting to pressing solicitations from various quarters, and under a deep sense of a citizen's obligations to his country while he has any hopes of being useful, he permitted himself to be a candidate for a seat in the Thirty-sixth Congress, as a representative from his old Warren county district, and was, of course, triumphantly elected.

Mr. CORWIN, as will be perceived in the preceding summary of the principal dates and events of his history, without the advantages of what is called a liberal education, has attained a degree of eminence which it is the fortune of few men to reach without adventitious aid.

Modest and unassuming men rarely make much advancement in the road to fame, unless, as in his case, the fire of true genius, and the possession of real merit and worth, are unmistakeably evident. These in him were observable at an early period of his life. At the age of fourteen, his "latent talent for effective oratory, by action, emphasis, and gesture," was exhibited in the part he took in the school exercises of his time. Though to this happy faculty of ready eloquence is doubtless to be attributed his rapid strides to distinction as an advocate at the bar, "he was even more distinguished," writes his friend, "for his keenness of discrimination. This always prevented him from using any authority not strictly in point, or any item of evidence that could be turned against him." This discrimination, rather than his eloquence, some think, was his forte, though the latter, on occasions when he would be excited in the progress of a trial, "was, perhaps, unequalled, in his day, at the bar of Ohio."

Mr. CORWIN exhibits, when addressing a jury, all that opulence of legal and miscellaneous information and philosophic reflection which are the result of a life of application to books, and close study of human nature. No one can more readily or more delicately sweep every chord by which the sympathies of the heart can be touched, or find a more direct avenue to whatever feeling, passion, sentiment, or prejudice it may be necessary to reach to obtain consent to his reasoning. The infinite humor playing in his countenance, and ever anticipating the utterances of his eloquent tongue, but adds to his power to overwhelm with ridicule any unfortunate position taken by an opponent; and, though this sometimes

is calculated to divert the auditor from the more ponderous logic he uses, it carries with it, nevertheless, an undercurrent of sound argument, which does not fail to convince. All his varied acquirements he uses whenever it may be desirable to give strong probability to a merely possible fact; and he brings up the known to prove the unknown by a masterly comparative course of illustration.

During his brief career in the Legislature of Ohio, Mr. CORWIN distinguished himself by his opposition to the passage of a bill proposing to resort to public whipping as a punishment for petty larceny. A law inflicting such a penalty for like offences had been in force, for a few years, in Ohio, at the beginning of her State government, but it was repealed. The increase of such misdemeanors, in a portion of the State, had induced the attempt, on the part of some of the members, to procure its re-enactment. It was contended, by those in favor of this code, that for the crime of theft no punishment was so appropriate; whipping seemed to them something inseparable from stealing — it was the obvious penalty due to the offence. The tax upon the people of some of the counties, for maintaining the culprits in prison for such periods as the laws prescribed for minor offences, had, from their frequent commission, become burdensome; and the disgrace attached to the penalty which it was proposed to revive, it was argued, would prove to be a more economical as well as a more efficacious remedy. Mr. CORWIN'S remarks upon this question show not only the repugnance to such means for correcting evil entertained by a person of refined sensibilities, but also a profound knowledge of the objects and principles of law, as well as an intimate acquaintance with

the motives of human action. The bill was ultimately defeated.

As a representative in the popular branch of the National Legislature, Mr. Corwin was industrious, and faithful to the trust reposed in him by his constituents; and his course "was that of a careful, thoughtful, conscientious man. His appearance in debate was rare, but always effective. The announcement of his name was an assurance of profound stillness in the House. That stillness continued while he occupied the floor, except as it was sometimes broken by demonstrations of excitement, such as wit, argument, and eloquence like his must occasionally produce."* Though our National Legislative *literature* is by no means meagre, further contributions from Mr. Corwin would have been a most welcome relief to the folios of heavy essays, written and plodded over, with anxious care, for days and weeks, by members at their private apartments, to be "read" in committee, to few listeners, at the first convenient opportunity. His remarks on the Surplus Revenue, criticising the report of Mr. Cambreling, is a masterly effort, delivered without time for preparation, and upon the suggestions of the moment. His well-remembered reply to General Crary is another of those happy impromptu speeches; and is unapproachable for overwhelming sarcasm and ridicule, and its abounding good humor. This speech was delivered in committee of the Whole on the Cumberland Road bill, on the 15th of February, 1840. At the next sitting of the House (Monday, the 17th), Mr. Corwin again spoke — this time to the question

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*American Review.

before the House—and entered into the constitutionality of Internal Improvements by the General Government. The reporters failed to write out his remarks, expecting him to prepare his speech for publication from their notes, and alleging that they could not do him justice—so fully were they impressed with the able manner in which he had treated the subject. This, however, it was not convenient for Mr. CORWIN to do, from the multiplicity of duties and engagements then demanding his attention; and hence one of the best of his congressional speeches has never been given to the public.

When canvassing the State as a candidate for Governor, in 1840, Mr. CORWIN'S power to sway the masses as a popular orator became widely known. "The Wagoner Boy," as he was familiarly named, from the circumstance of his driving his father's team with provisions for the army, proved a rallying word of that campaign. A gentleman,* who had been spoken of for the nomination at the same time, thus addressed the thousands assembled at Columbus on that occasion, when Mr. CORWIN'S name was announced as the candidate selected:

"When the brave Harrison and his gallant army were "exposed to the dangers and hardships of the north-"western frontier—separated from the interior, on which "they were dependent for their supplies, by the brush-"wood and swamps of the St. Mary's country, through "which there was no road—where each wagoner had to "make his way wherever he could find a passable place, "leaving traces and routes, which are still visible for a

* General C. Anthony.

"space of several days' journey in length—there was one "team which was managed by a little, dark-complexioned, "hardy-looking lad, apparently about fifteen or sixteen "years old, who was familiarly called TOM CORWIN. "Through all of that service he proved himself a good "'whip' and an excellent 'reinsman.' And in the situa- "tion in which we are about to place him, he will be "found equally skillful."

This was received with great enthusiasm. There was a happy coincidence in the object accomplished by the wagoner candidate for Governor, and the achievements of the military candidate for President. It was to succor the army under the command of the latter, that the former performed his humble though honorable mission. There was much in it to touch the sympathies of a grateful people; and it is not surprising that the popular heart should have responded in song, as it did, during that exciting campaign.

Among the spontaneous effusions of that contest, is a tribute to Mr. CORWIN, published in the Dayton "*Log-cabin*," and adapted to a popular air, by his friend and admirer, the late JOHN W. VAN CLEVE, of Dayton — a gentleman of fine talents and varied accomplishments. Though somewhat foreign to the purpose of this sketch, the first two stanzas may be given as a reflex of the sincere regard felt for Mr. CORWIN by his early acquaintances and friends:

"Success to you, Tom Corwin!
Tom Corwin, our true hearts love you!
Ohio has no nobler son,
In worth there's none above you;

And she will soon bestow
On you her highest honor,
And then our State will proudly show
Without a stain upon her.

"Success to you, Tom Corwin!
We 've seen, with warm emotion,
Your faithfulness to Freedom's cause,
Your boldness, your devotion;
And we will ne'er forget
That you our rights have guarded;
Our grateful hearts shall pay the debt,
And worth shall be rewarded."

The office of Governor of Ohio, though a position of dignity, did not afford much scope, limited as were its duties and patronage under the constitution then existing, to exhibit the talents for which Mr. CORWIN is most remarkable. He is himself reported to have facetiously remarked, that the principal duties of the place were "to appoint notaries public and pardon convicts in the penitentiary." It may be observed, however, that, in the exercise of the latter prerogative, he acted in accordance with that humane reformatory spirit for which he has always been noted. As in his capacity of legislator he had been decidedly opposed to the degradation of the whipping-post, so, as Governor, he did his utmost, consistently with the purposes of justice, to remove from the punishment in the State prison the stigma of its disfranchisement; and he made it a subject of special inquiry to ascertain the habits and deportment of a prisoner during his confinement. Whenever these evinced a degree of reformation, and a desire to lead a better life, Governor CORWIN would sign his pardon, to take effect a

day or two before the expiration of the term for which he was sentenced; thus restoring the released convict to all the franchises which he had previously possessed. This course, laudable as it was, subjected him to the animadversion of political opponents, who, without appearing to appreciate the motive, represented it as an attempt to thwart the administration of justice; and was used, among other things, to his prejudice in the contest of 1842, when, as has already been stated, he failed to be re-elected.

In his inaugural address, delivered before the Legislature on the 16th December, 1840, speaking in relation to the division of legislative power, under the Constitution, between the General Government and the States, he remarks:

"On all subjects of this character, prudence and "patriotism alike demand that both parties should for- "bear, if possible, to enter the field of conflict in pursuit "of a questionable claim of jurisdiction. That spirit of "concession, so powerfully operative in the formation of "the Federal Constitution, should always be invoked by "those whose duty it may be, either as officers of the "General or State authorities, to fix its true interpreta- "tion. When we regard, however, the invariable ten- "dency of power to reach after still further and more "extended dominion, and when we consider the obvious "advantage which the National Government enjoys in a "conflict with a single State of the Union, arising from "its greater wealth and patronage, and by consequence "its superior influence over public opinion, it becomes "the obvious duty of the State Legislatures to watch "with vigilance, and, on all questions not within the

"province of the judiciary, to assert, in a peaceful yet "resolute tone, the claims and powers of the weaker "party."

Governor CORWIN's annual messages to the General Assembly may be regarded as model documents of the kind. Such matter as he deemed it essential to treat upon, is presented in a clear and perspicuous style; and he never lengthened his remarks to the extent to which many similar State papers are too often elongated. They are principally confined to matters pertinent to State legislation, and do not argue national politics; though, incidentally, the policy of the General Government is courteously and freely commented upon. The following extract from his first annual communication to the Legislature, exhibits the deep interest he has always felt in the cause of moral and intellectual improvement, as well as his just appreciation of what constitutes good government. Seldom do we find in executive messages a passage combining so much truth and sound doctrine, and so happily expressed:

"It is in times of profound tranquility, when the "people are undisturbed by the tumults of war, that the "duties of enlightened patriotism invite us to the grate- "ful task of giving depth and permanency to our free "institutions. It is only at such periods that a common- "wealth can hope to deliberate calmly and successfully "upon systems of policy, calculated to stimulate industry, "by giving it legal assurance that it shall be protected "in the enjoyment of its acquisitions; to strengthen "general morality by laws which shall tend to suppress "vice and crime in all their forms; to give energy and "independence of character to all classes by measures

"which will promote, as far as practicable, equality of "condition, and thus establish rational liberty for our- "selves, and give hope of its countenance for ages to "come.

"Of measures which contribute to these ends, edu- "cation, comprehending moral as well as intellectual "instruction, is of the first importance. Under a con- "stitution like ours, which imparts to every citizen the "same civil rights, education must remain a subject of "vital interest in reference to the general welfare of the "State. If we are to trust the lessons of history, we are "brought to the conclusion that government is, and "always has been, the most efficient of all the causes "which operate in forming the character and shaping "the destinies of nations. Where the right of suffrage "is so unrestricted as with us, government is necessarily "the offspring of all the people, and will reflect the "moral and intellectual features of its parent with un- "varying fidelity.

"If the operations of the most profound thinkers had "left us in doubt upon this interesting subject, the familiar "history of the last century alone has furnished numerous "and melancholy proofs, that no people, to whom moral "and intellectual culture have been denied, are capable "of achieving or enjoying the blessings of rational liberty, "founded upon any system which tolerates popular "agency in the conduct of public affairs. So profoundly "impressed with this great truth were the framers of our "constitution, that they did not leave it to the judgments "of the future to decide. They did not allow the subject "of education to remain in that class which might be, in "after times, adopted or rejected upon the doubtful test

"of expediency. They incorporated it into the Constitu-
"tion. In the 3d section of the 8th article of the Con-
"stitution, it is expressly declared, that 'religion, morality
"and knowledge being essentially necessary to good gov-
"ernment and the happiness of mankind, *schools and the*
"*means of instruction shall forever be encouraged by legis-*
"*lative provision*, not inconsistent with the rights of
"conscience.' In the schools, the encouragement of
"which is thus enjoined as a proper subject of legislative
"provision, it is apparent that the makers of the Consti-
"tution intended to combine moral with intellectual
"instruction. All experience and observation of man's
"nature have shown that merely intellectual improve-
"ment is but a small advance in the accomplishment of
"a proper civilization. Without morals, civilization only
"displays energy, and that the more fearful in its powers
"and purposes, as it wants the restraining and softening
"influences which alone give it a direction to objects of
"utility or benevolence."

At the Whig State convention, held at Columbus, O., in January, 1844, over which Mr. CORWIN presided, he was tendered a unanimous nomination, and urgently solicited to permit the use of his name a third time as a candidate for Governor. This he declined, in a speech which will be remembered during the lifetime of many of those who were present on that occasion. It was one of those grand efforts which leave their impress upon the auditor, but which, like too many others from the same gifted orator, was not reported and preserved. At a subsequent stage of the proceedings of this convention, the late venerable Ex-governor, JEREMIAH MORROW, who was present as a delegate, submitted the following sig-

nificant and complimentary resolution, which was adopted with a vociferous acclaim from the assembled masses:

"*Resolved*, That in THOMAS CORWIN we recognize a "patriot, a statesman, an orator, a man of the people, "and a champion of their rights—a man whom Ohio is "proud to call her own. We esteem him, and we love "him."

"This resolution," (we quote from the published proceedings,) "and the enthusiastic call of the vast multitude "which surrounded him, again brought forth a response "from Governor CORWIN, who, for an hour and a half, "enchained his audience in breathless attention, or called "from them deafening shouts of applause. [Who is "there of this convention that will not carry with him "to the grave a vivid recollection of the noble, manly, "and patriotic sentiments that were uttered by him on "this occasion, and of the scorching sarcasm with which "he overwhelmed the pretended friends of the people, "who, in the name of democracy, were attempting to "subvert our free institutions?"]

This convention, as the reader has already been advised, placed the name of Mr. CORWIN at the head of the Clay electoral ticket, for the success of which he did yeoman's service throughout the State.

His election, the ensuing winter, to the United States Senate, as successor to the late Judge TAPPAN, again placed Mr. CORWIN in a position favorable for the exercise of his powers as a debater; but for a time he seemed as chary of obtruding his remarks upon the attention of that body as he was while occupying a seat, some ten or a dozen years previous, in the other branch of Congress. He did not participate prominently in the discussions

until our country was involved in the war with Mexico. His first remarks of any considerable length were made in behalf of the soldiers in that war, and in able advocacy of their receiving bounty land. The debate on this subject came on while the bill for the increase of the army was pending, and was continued at intervals during the consideration of that bill. In the course of it, he answered some objections of Senator BENTON in a style peculiar to himself, and the no slight discomfiture of that great Missouri statesman. Such pithy sentences as the following, as Mr. CORWIN would utter them, in answer to the treasury-saving arguments of that distinguished Senator, would be felt by him with more than ordinary force: "Sir," said Mr. CORWIN, "shall we drive a Jew's bargain "with our soldiers? Shall we give a definite value for "their patriotism? Shall we count every groan? Shall "we give value for every drop of blood? Shall we pay "so much for a soldier's life? so much as a compensation "to the women and children who have been made widows "and orphans by the war? Shall we give them an esti- "mated sum as value for their loss?"

It is noteworthy that Mr. CORWIN'S remarks upon this subject were commenced nearly a month before the delivery of his great speech on the Three Million bill. Had they been spoken afterwards, they would have borne the seeming aspect of an attempt to smooth the ripple he then raised in the current of his popularity by his bold denunciation of the war. His sentiments in favor of rewarding the men who have to bear the brunt of whatever results from the action of a nation's rulers, fortunately, therefore, can not be attributed to any such motive. But even the liability to which a less auspicious

moment for their delivery would have subjected him, never would have deterred a man of his moral courage from giving them utterance.

The speech on the Three Million bill, or "Mexican War Speech," as it is best known, has been complimented by some of the greatest minds in the civilized world. The concluding portions of it have been quoted, again and again, as among the finest specimens of American eloquence. That speech, for bold assertion of truth, regardless of the unpopularity of the sentiments enunciated, has seldom, if ever, perhaps, been equalled in any legislative body, in any nation.

It is one of the inconsistencies of human nature to yield often what is known to be right to a fancied expediency; and it is not surprising that many who cordially approved of what Mr. CORWIN then said, should have objected to its promulgation. The opponents of the party with which Mr. CORWIN then acted, seized upon the strong and emphatic language used by him, and distorted it to suit their own purposes. Many of his ardent and devoted admirers regretted, at the time, that he did not leave much of it unsaid, and not thus, by taking the unpopular, though they doubted not, correct, side of the question, voluntarily injure his prospects for a higher and more successful future, to which they hoped and believed he was rapidly tending. It was natural that the mere politician should thus view it. Mr. CORWIN's more chary compeers, though they must have been equally imbued with the truth he spoke, were "wiser in their generation;" and, as the world goes, may have snatched a portion of its temporary successes by prudently inclining to a temporizing policy. But, however

that may prove to be in the end, who is there now among his friends and admirers, or anywhere in a Christian land, that does not commend the honest expression of his conscientious convictions, upon a subject so fraught with great consequences as then were likely to flow from the prosecution of that war? His course then (observes a writer) "marked him before the nation and the world. "He has dared to think as his conscience bade him—to "think and speak boldly what he thought. His enemies "may denounce him as a traitor, and his friends reproach "him for imprudence; but thinking men of the present "times can not but honor his manly independence, as "posterity will assuredly commend the virtue that is dis- "played in it." * * * "In his opposition to appro- "priations for a farther prosecution of the war, he "certainly, at every risk of disadvantage to his personal "influence, took the highest ground of opposition to "executive misrule; and, whether right or wrong in the "judgment which marked his course, he has won a "reputation for integrity and firmness of which any "statesman of the age might well be proud."*

After the termination of the Mexican war, the disposition of the newly-acquired territory furnished the fruitful theme of contention which the opponents of the war anticipated. The question as to the power of Congress over the territories, in regard to the institution of slavery, then became the exciting one, which has ever since so largely occupied the attention of the National Legislature, and caused the disintegration of political parties as they then existed. Mr. CORWIN's speech in

* American Review for September, 1847.

the Senate, on the 24th of July, 1848, enters deeply into this subject; and he discusses the powers of Congress with the ability of a profound constitutional lawyer, and well-read statist. Upon this subject there has been apparently a marked change of opinion among certain politicians since that period. Mr. CORWIN, however, now holds to the same views which he then held—at that time entertained almost unanimously by the opposition to the Democratic party, and now the principle contended for, with but few exceptions, by the opposition in all the non-slaveholding States. Upon the speech to which the writer refers, the Louisville *Journal* then remarked:

"In the speech on the Compromise bill, Mr. CORWIN "has displayed, in an eminent degree, all the great "features of his massive mind. The oft-repeated sophis- "tries of slavery, the formulas that have passed from "mouth to mouth among those who love to be deceived, "those paltry, rickety things that seem to be heir-looms "of perpetualism, are trampled into dust by Mr. CORWIN "with as much disdain as Mirabeau spurned and tram- "pled on the formulas of royalty. When did falsehood "ever receive a quietus more effectually than this men- "dicant plea of the ultras for more slave territory, on "account of their worn-out lands?"

The same article from the *Journal* contains the following highly-wrought eulogy:

"A leading feature of Mr. CORWIN'S character is "devotion to truth; and he follows her paths with the "enthusiasm, the spirit and the fortitude of a martyr. "In the worship of that heavenly essence, he discards all "personal considerations; he never seems to pause to ask

"what may be the personal consequence of anything he "may feel required to do—it is enough for him to learn "where truth marks the line of duty, to secure his obe- "dience.

"This trait of Mr. CORWIN was eminently displayed "on the Mexican war question. His lucid mind as clearly "saw the consequences of his course upon that question "as his experience now feels them. He deliberately sur- "veyed his ground, and duty made him brave the fires "of persecution and the anathemas of party. It would "be as easy to make a slave of Mr. CORWIN as it would "be to make him a demagogue. He stood up before the "country as a man who dared to do what he considered "right; he made no appeal to the *aura popularis;* he "felt the spirit of the ancient sage expressed in the "sentiment, 'I love Socrates, I love Plato, but I love "truth more than either.'"

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"While reading the debate, we could not but feel "that Mr. CORWIN towered in the Senate like a giant "among pigmies. Every one that couched a lance with "him seemed to be ridiculously small. While following "his great mind through the intricacies of this subject, we "felt that we were in a blaze of light, and we could not "but remember Ben Jonson's description of truth. We "seemed to stand in the very presence of that glorious "figure, whose

"'Spacious arms do reach from East to West,
"And you may see her heart shine thro' her breast;
"Her right hand holds a sun with burning rays;
"Her left, a curious bunch of keys,
"With which Heaven's gates she unlocketh, and displays

"A crystal mirror hanging at her breast,
"By which men's consciences are searched and drest;
"On her coach-wheels Hypocrisy lies racked,
"And squint-eyed Slander, with Vain-glory backed.
"Her bright eyes burn to dust, in which shines Fate;
"An angel ushers her triumphal gate;
"Whilst with her fingers fans of stems she twists,
"And with them beats back terror, clad in mists:
"Eternal unity behind her shines,
"That fire and water, earth and air combines.
"Her voice is like a trumpet, loud and shrill,
"Which bids all sounds in Earth and Heaven be still.'

"There is not a man in the country who can strip a "subject of its verbiage more effectually than Mr. CORWIN. "With a keen and bold eye, and a steady hand, he dis- "sects the sophistries and false logic of the advocates of "error, and he follows falsehood through all its doubling "and involutions with a practiced skill, which no in- "genuity can elude.

"Nothing seems to escape his eye in analyzing an "untenable position. His powers of sarcasm are great, "and they sparkle amidst the strength of logic like gems "that deck the brow of purity and beauty."

In the briefer remarks of Mr. CORWIN in the Senate, he is not less effective. An instance of this, showing at the same time the utter absence in him of those narrow ideas of public economy so frequently evinced in the defeat of meritorious claims, while huge speculations are winked at, is to be found in his remarks in favor of the bill for the relief of William Darby. This relief was proposed in consideration of valuable geographic information availed of by the United States from early surveys, made by Mr. Darby, of the south-western boundary. In

advocating this claim, Mr. CORWIN admirably contrasted the disposition of the Government to reward leaders of military expeditions, which drive off the Indians, "elevate" the American flag, and carry the "American eagle into lands where he never soared before," with its tardy inclination to compensate the achievements of science, and labors in the less exciting walks of peace, from which it derives equal profit and advantage. His defence of Judge MCLEAN against the animadversions of Senator FOOTE upon sentiments expressed, as a private citizen, by that able and worthy jurist, is in that cool, good-humored severity of style which delights an audience while it tortures the victim at whom it is aimed.

As the head of the Treasury Department, Mr. CORWIN pursued, in the main, the line of policy which prevailed while that branch of the Government was under the direction of his immediate predecessor, Mr. MEREDITH. His first annual report to Congress upon the finances of the country, was presented on the 17th December, 1850. In this communication he recommends:

1st. A change in the *ad valorem* system—imposing specific duties on all articles to which they may be safely applied.

2nd. If the system of specific duties should not be adopted, then the home, instead of the foreign, valuation should be introduced.

3rd. If neither of those changes should commend themselves to Congress, then the rates then prevailing should be increased upon a variety of articles, which might bear such increase with a salutary effect upon trade and revenue.

The following extracts embrace some of the arguments adduced in favor of the foregoing recommendations:

"The ability of the country to discharge every obliga-
"tion upon it, if aided by wise and timely legislation, is
"unquestionable. If ample provision shall be made for
"the prompt discharge of annually accruing liabilities,
"the public faith, as it has been hitherto, will be main-
"tained, and the public credit continued on such a basis
"as to insure an advantageous and speedy extinguish-
"ment of the public debt.

"The system of *ad valorem* duties, however well
"adapted to many articles of trade, when applied to all
"without discrimination, restriction, or safeguard, has
"been proved by the experience of this department to
"be subject to many and strong objections. Its tendency
"is to cherish a spirit of overtrading, greatly injurious
"to the industry of our own country in all its depart-
"ments, and, in its final results, fatal to the revenue.
"Considering this system only in its operation upon
"revenue, it is believed that the experience of the most
"enlightened commercial nations of Europe has proved
"it to be impolitic and unsafe.

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"The primary object to be kept in view in levying
"duties upon imports, is admitted to be revenue. It is
"equally well established, as the policy and duty of the
"government, so to discriminate in the levying of duties
"as, without falling below the necessary amount of rev-
"enue, to give the greatest encouragement possible to all
"the industrial pursuits of our own people. One feature
"of the law of 1846, in the opinion of this department,

"is opposed to both the controlling principles just stated. "I have reference to an equal or higher rate of duty on "the raw material than upon the manufactured article "of which it is composed. Such provisions certainly "take from the manufacturer and artisan that encourage- "ment which the present law doubtless, to some extent, "was intended to afford, and also check the importation "of the raw material to a degree detrimental to the "revenue.

"The constant fluctuations in prices, and consequently "in the duties, under any unrestricted *ad valorem* tariff, "give to the act of 1846 that most objectionable feature, "instability. These variations, giving a high duty when "least required, and low duties when prices are ruinous, "tend to an excess of importations, and subject all the "products of labor in our own country to the frequent "and enormous fluctuations in the markets abroad, "arising from the disturbed condition of those nations "with whom our foreign commerce is chiefly carried on. "Under the present system, duties are highest when the "article imported is highest, and when the purchaser "and consumer can least afford to pay the duty; and "lowest when the price of the article wanted would "allow a heavy additional duty to be levied on it. "Thus, if an article costs ten dollars, a duty of thirty "per cent. would compel an addition of three dollars; if "that article falls in value to five dollars, then is the "duty reduced one-half.

"That can not be a wholesome system of taxation "which follows the consumer in his purchases, increasing "his burden when prices are high, and taking it off as "prices fall, and his ability to bear it increases. If

"applied to articles of subsistence, it would operate as a "heavy tax upon bread in a year of famine, increasing "with the intensity of the evil, and gradually disappear- "ing with the return of abundance."

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"Our revenue, as already stated, must be mainly "dependent on duties on imports. Those imports from "abroad can only be paid for by exports made up of "the products of our labor in all its varieties, or in the "precious metals. If our imports shall exceed the value "abroad of our exports in any given year, to the extent "of such excess do we create a foreign debt. If this "operation be repeated for only a few years, it is obvious "that it will effect the withdrawal from us of a quantity "of the precious metals equal, or nearly so, to the amount "of the accumulated debt, bringing with it bankruptcy "in all departments of business, consequent inability to "purchase foreign goods, and thus, for the time, causing "a ruinous depression in the receipts into the treasury. "It then becomes equally the duty of Congress and the "interest of the people, if possible, so to regulate imports "as to confine the importations into this country to an "amount about equal to such exports of our own as can "find a market at remunerative prices abroad.

"The bare statement of the foregoing well-established "laws of trade would seem to furnish a safe guide in all "legislation on the subject.

"Whilst importations should be secured in amount "sufficient, at practical rates of duties, to supply the "wants of the treasury, such duties should be adjusted "in a manner to affect favorably all industrial pursuits "at home. If duties on the necessary importations should

"have the effect to impair the ability of the mass of the "people to purchase and pay for foreign goods, then "importations to that extent must cease, and by conse- "quence the revenue to an equivalent amount would be "diminished.

"It is believed that our own experience has shown "that our exports can not be greatly extended, as some "have supposed, by low duties upon foreign goods in "our ports. It is a fact within the observation of all, "that merchants and ship-owners are ever vigilant and "alert, with all the knowledge that interest can impart, "and all the skill which experience can supply, to send "abroad any and every product of this country which "can anywhere find a profitable market. These agencies, "which are always active, extend our export traffic, at "all times, to the utmost limit of advantage to the pro- "ducer or carrier. If, at any time, a given article of "export should be carried beyond the foreign demand, "reduced prices, the invariable result of oversupply, "bring loss upon all concerned. If a foreign article "is in like manner forced upon our own market beyond "the required supply, the effect of reduced prices, while "it inflicts often ruinous losses upon the importer from "abroad, is felt by those engaged in producing the like "article at home in consequences tenfold more injurious, "as the reduction of price in our own market extends "to and affects the entire labor of the whole country "which may be employed in such manufacture or pro- "duction. Thus, while the injury is temporary and "limited in its effect upon the importer, it is often "lasting and widely extended upon the labor of our own "people. We see and feel it in the sudden breaking up

"of establishments not yet sustained by an amount of "capital which can afford to encounter temporary sus- "pension of sales and reduced prices, or not yet worked "with that skill and economy which long experience "alone can impart. In such instances, labor is suddenly "withdrawn from a diversity of pursuits, and driven to "production in a limited sphere. This again brings an "oversupply of whatever may be produced by the com- "mon employments, while, in the end, it leaves the "market of the article, whatever it may be, the pro- "duction of which has been abandoned at home, at the "mercy of the foreign supply alone.

"The result, in the end, to the consumer, is invari- "ably a rise in the price of such article; and, there being "no competition with the foreign producer, he has pos- "session of the market, and of course supplies it at the "highest price which the demand will give him. His "prices and profits, unchecked by competition in such "cases, continue to rise with the increasing demand and "diminishing home supply.

"The operation and effect of these laws of labor and "trade, it is believed, have been frequently and palpably "exhibited in the history of our country. It is from "such experience that the general principles upon which "our tariff laws are based have become the common "opinions of the people. Hence the almost universal "impression in our country prevails, that, in assessing "duties on foreign merchandise, such discrimination "should be made as will have the effect of producing "all articles which can be manufactured at home in such "quantity, if possible, as to raise up two markets for the "purchaser and consumer—the home and the foreign—

"each competing with the other, so that he may not be "left to the mercy of one, and that the foreign one, "alone.

"The happy indirect effect of such legislation upon "the labor, and consequently on the permanent pros- "perity, of our own country, is not the greatest, by any "means, of the blessings it confers. By giving diversity "to the occupations and industrial pursuits of the people, "labor is rewarded, the ability to consume foreign pro- "ducts is attained, and the wants of the national treasury, "dependent entirely upon duties collected upon foreign "imports, are amply supplied. While the great end, "that of a competent revenue, is thus surely reached by "this policy, a larger amount of exports is, at the same "time, obtained towards paying for the required im- "portations.

"Our exports, as the commercial statistics will show, "are made up mainly of cotton, rice, tobacco, breadstuffs, "and provisions. These are the products of the soil, and "are shipped to foreign ports without more labor, as an "element of price, than is necessary to fit them for market "in their first and simplest condition. Our statistics dis- "close the fact, also, that breadstuffs and provisions, of "which we can produce a larger surplus than any other "people, form comparatively a small addition to our "exports, particularly in years of plenty abroad.

"These articles, in the production of which so large "and interesting a portion of our people are engaged, "can not find a market abroad at such prices as the "farmer can afford to receive, except when famine or war "creates a foreign and exceptional demand.

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"When it is remembered that a very large proportion "of the citizens of this country are engaged in the busi- "ness of farming, and how much of the permanent wealth "and true glory of the republic depends on their well- "being and prosperity, it would seem to be the dictate "of enlightened selfishness, as well as a duty of patriot- "ism, so to mould, if possible, the laws regulating trade "and revenue, as to furnish for them at home a perma- "nent market, with remunerating prices. As no such "market can be found abroad, it may well suggest the "inquiry whether legislation, in providing, of necessity, "for revenue, shall not, by encouraging a diversity of "employment in our own country, secure the only safe "and sure market for our farming productions which "can be obtained."

Mr. CORWIN's administration of the Treasury Department continued less than two years and a half, during which period the majority in Congress differed in its views of financial policy from those entertained by the executive branch of the government. It was, therefore, not a favorable time for the adoption of the foregoing suggestions. The influx of the precious metals from the gold region, then recently acquired, stimulated the importations of foreign merchandize, and revenue from imposts continued to flow into the national treasury. Although to Mr. CORWIN the illusiveness of this prosperity was apparent, and the establishment of a more healthy system of national finance much to be desired, the existing policy remained unchanged. A large surplus over the annually accruing liabilities of the Government, remained in the sub-treasury vaults when his successor became invested with the management of the fiscal

department, in 1853; and this plethoric condition continued until, in 1857, a very general desire was manifested to lessen the income from duties upon foreign imports.

It is, perhaps, less owing to the changes then made in our revenue regulations, than to the natural consequences of the "overtrading" against which Secretary CORWIN admonished Congress, in 1850, that the treasury has since suffered a collapse, and that an executive of a different political school favors, to some extent, the adoption of specific instead of *ad valorem* duties.

Mr. CORWIN, in his professional practice since his retirement with the administration of President Fillmore, has, on frequent occasions, shown his wonted skill in combatting evidence before a jury, and his forensic powers at the bar. The public press has given meagre representations of some of these later efforts; but they fail to impart to the reader anything like a correct idea of his style of eloquence. Even for the most expert stenographer it is difficult to report him fairly; and in every attempted synopsis, he suffers from the good intentions of the person who volunteers to make it. Still more, in his political speeches, is he victimised by the newspaper reporter. The latter will most likely fold his arms, and listen to the genial humor and sprightly wit with which his remarks generally abound, and, in the enjoyment of such a treat, will omit to take note of the profound knowledge he displays of what true statesmanship should be. Indeed, it often seems as if the "world" of his admirers were the least appreciative of Mr. CORWIN'S real merits, and that they have acquired a habit of looking only for entertainment in his speeches, instead

of listening to the profundity of a philosopher, and well-read, deep-thinking statesman.

Among the prominent men of the day, there are few who appear before the public on great occasions as orators, who have not previously written out at length the remarks which they intend to deliver, or who are not attended by competent reporters, looking carefully to their fame as public speakers. It is not unusual for the press, ere the speaker has warmed his seat in the rail-road train on his homeward way, to be busy throwing off copies of the oration, glowing with eloquent words, the utterance of which, an hour previous, stirred no soul, nor kept awake an impatient auditory. Such is not Mr. CORWIN'S habit, nor have his speeches this lack of effect. It will surprise many, no doubt, who know his reputation as an orator, that a single volume should embrace all his reported speeches; but he has never taken any pains to perpetuate any that he has delivered. This is no affected modesty on his part—it results from the utter unselfishness of his nature. He has been known to keep back from publication one of the few *written* addresses that he ever delivered, out of regard for the feelings of a gentleman who feared that *his* address on the same occasion would, in such event, appear to disadvantage. Though so many of his extempore efforts are thus lost to the reading public, the memory of them will always linger with those who were so fortunate as to hear them; and to this recollection of the masses, wherever he has spoken, is to be attributed the permanent hold he has upon their affections. The mere mention of his name brings up a volume of what they have heard him say—at the bar, defending criminals, or at political gatherings, indulging

in satire against demagogues. One can scarce converse with any person acquainted with him, who will not cite some occasion when Mr. CORWIN excelled all other speakers; or some important law-suit, in which he carried the jury with him; or who does not remember some of the familiar anecdotes (many of them apocryphal, no doubt) with which his name is connected.

There is one characteristic common to all Mr. CORWIN's political addresses, and that is his earnest exhortations to the proper and unfailing exercise of the elective franchise. He never fails to admonish the people that they have the power to make and unmake rulers; and that the evils in government, which they are so apt to charge upon the executive and other elective officers, are the results either of their own remissness in refusing to vote, or in their not taking pains to vote intelligently. He habitually warns the people that a neglect or disregard of the privileges they enjoy—among which none can exceed this right of suffrage—may, as history has proved it will, end at last in their losing them.*

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* Upon this topic, Mr. CORWIN spoke with great effect, at Dayton, Ohio, on the 30th September, 1858. The *Journal* of that city thus notices that portion of his speech:

"The close of Governor CORWIN's speech was one of the most "thrilling eloquence and power. He appealed to the people to exer- "cise the reason and the conscience which God had given them to "decide how they should vote. The power conferred upon the voters "of this nation was a tremendous power. It was one, for the faithful "exercise of which, or the failure to exercise which, they would, as "he believed, be called to answer at the great day. It was a power "all potent for good or for evil; and as the Almighty, in his provi- "dence, had given men brains to think, and consciences to tell them

The extract which follows gives a fair analysis of Mr. CORWIN's oratorical powers:

"As a public speaker, Mr. CORWIN is gifted far above "the ordinary standard of parliamentary experience. His "manner is perfectly self-possessed; his thoughts flow "forth in the most lucid forms; his language is in the "purest taste — always strong, though frequently in a "high degree erratic. In all his efforts, whether of the "more elaborate or of the lighter kind, he fixes attention "in the outset, and holds it, unbroken, to the end. It is "evidently one of the secrets of his power, that he knows

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"the right from the wrong, they could not hope to escape a fearful "reckoning for negligence or unfaithfulness.

"He said that as he had traveled through the country, and beheld "the church-spires and school-houses, it seemed to him incomprehen- "sible how, with the advantages of education and of instruction from "the pulpit, there could be a generation of men who would disregard "the lessons of experience and the teachings of history so much as to "fail in the giving of an intelligent and patriotic vote.

"Governor CORWIN proceeded, with a glowing eloquence of words "and a sublimity of thought, to draw from sacred history the most "pointed exemplifications of the duty made imperative by the divine "command, to give heed to the things which make for the peace and "honor and glory of our common country. The hand of the Almighty "was as plainly to be seen in the interposition in our behalf during "the revolutionary struggle, as it was in the rolling of the waves of "the Red Sea over the hosts of Pharaoh as they were pursuing the "Israelites. We could not hope to escape the fate of the 'chosen "people,' in whose history was so terribly fulfilled the words of "prophecy, unless we appreciated our blessings, and struggled to "preserve our birthright; and yet the history of man seemed to be "the same in all ages. Three thousand years ago, when the Almighty, "by a miraculous exercise of his power, had brought the children of "Israel out of their Egyptian captivity, we found them, when it might

"when he has exhausted a subject, and where to stop. "He is so clear in his conceptions, and exact in his "arrangement of them, that he never repeats himself; "and hence never offends, as do many of the best "speakers, by occasional indications of a want of "thorough understanding of their own minds.

"In the mixed walks of eloquence, when under the "excitement of a great subject, and a grand and respon- "sible occasion for the discussion of it, Mr. CORWIN often "exhibits powers which could hardly be excelled. He "has moments of intense strength, in which he seems to "rise, unconsciously, high above his own ordinary level, "and to wield, with almost superhuman power, the "grandest thoughts; setting them forth in the sublimest "images, and clothing them in the most beautiful forms "of speech. On occasions that properly admit of the "application of the highest powers of wit, his efforts are "unrivalled. His quick perception of the weak points "of an adversary's position, and, if open to ridicule, his "ready association of them with the most grotesque forms

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"have been supposed that the wonder of the miracle was still impress- "ing them with its awful grandeur, worshipping a golden calf!

"The prophet Isaiah, in denouncing the sins and the punishment "of Judah, had said: 'The ox knoweth his owner, and the ass his "master's crib; but Israel doth not know—my people doth not con- "sider.' The people did not 'consider'—they did not *think*. Every "man should break away from the trammels of party—he should "*think*—think for himself—and so discharge his duty, as if knowing "that upon him alone rested the responsibility of faithfully and "honestly acting for the welfare of the twenty-six millions of this "nation—as if he were the only man who had a vote—as if he were "possessed of despotic power, and his will was the law."

"of exposure, give often, even to his grave speeches, a "force and influence which the severest logic would "utterly fail to give. The amiable and gentlemanly "temper, moreover, with which he exerts these high and "even dangerous powers, saves him from all hazard of "giving personal offence in the application of them, and "it is proverbially said of him, that the object of his "satire is usually among the most entertained of those "who listen to it. The treat is too rich to be quarrelled "with, even by the victim whom it would annihilate.

"But, after all, the most striking and captivating "feature in his speaking is, that he allows no doubt in "his auditory of the entire sincerity of what he is saying. "It is a man uttering great and important truths, under "the impulses of deep conviction, and not a mere declaimer "or advocate, who would produce effect for an occasion. "And this great feature of Mr. CORWIN's speaking, which "stands out so prominently in every speech he makes, "no matter what the audience, the place, or the occasion, "is the necessary result of that self-culture which, in his "habitual studies, keeps the watches of an honest and "conscientious heart in constant company with the labors "of a clear, serene, and self-poised mind." *

Not only is Mr. CORWIN eminently distinguished for his happy faculties as a public speaker, but he is unsurpassed in conversational powers. He is the centre of every social circle in which he may happen to mingle, and the most sprightly, as well as the most profound, are prone to give ear to the "wisdom and the wit" which then pass trippingly from his tongue. His char-

* American Review.

acter, personal, professional, and intellectual, is well drawn in the same article from which the preceding extract is quoted.

"Mr. CORWIN's private life, from boyhood up, has been "marked by the strictest virtue and the most stainless "honor. His professional career, as a part of it, has been "distinguished for benevolence and justice. His social "qualities are of the highest order, and impart the hap- "piest influence upon all who are so fortunate as to "enjoy the advantages of them. Few men excel him in "colloquial power, or in the range of intelligence to "make it the most attractive. His life has been one of "laborious study, and his mind is highly charged with "useful learning and well-digested principles. He has "read much, and with careful discrimination—applying "the most careful thought of his own mind in the specu- "lations of others. However, his opinions on all subjects "are uniformly his own. No man is more unpretending "in his attainments, or more modest in exhibiting them; "but, at the same time, no man can be more decided in "resisting the prescriptions of mere authority. His mind, "in its philosophic spirit, is formed mainly upon the "principle of self-reliance; and he values and uses learn- "ing as a means to help him think rather than to supply "him with thoughts. It is, however, high proof in favor "of the principles of any party or category with which "he may sympathize and act, that they have been "thoroughly thought out by him from their simplest "elements, and finally adopted by him as ascertained "truths, he allows no mere party reasons for his con- "victions, and wants no party aid for their support."

Mr. CORWIN rather unexpectedly became a candidate

for the Thirty-sixth Congress; but, at the same time, that fact was hailed with delight by the voters in the district who, nearly twenty years previously, had the privilege of casting their ballots with his name at the head. Nor was his re-appearance in public life less welcome beyond the limits of his district or State. Men possessing his physical and intellectual vigor, with the advantages of ripe judgment and large political experience, are deferred to as counsellors and guides in the weightier matters of the nation. His election was chronicled in different quarters of the Union, as a disposition on the part of the people to avail themselves of the services of their best men; and that evidence was thus given of the conservative feeling which, in this free Republic, is cherished by its citizens, even at times when the most ultra radicalism seems to prevail. Thousands greeted him again at the hustings, and listened eagerly to the manly and independent expression of his views upon the topics of the times.

He now occupies the proud position of one who is chosen as a national legislator, not strictly as a party man; for he expressly dissented, in his public speeches during the canvass, from some of the views entertained by many of the party which elected him.* That he can

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* Upon the subject of the powers of Congress in relation to the Territories, he is reported to have spoken as follows, at a meeting near Byron, Greene county, Ohio:

"The right of Congress to make all needful regulations for the "Territories he considered indisputable, and he would attach some "such rule as the Wilmot Proviso to every Territory on its organiza- "tion. He knew the advantages of it in the results of the Ordinance "of '87. Congress bore the same relation to the Territories as a guar-

have it truly said that he entered upon this trust untrammelled, is alike creditable to himself and the liberal and intelligent constituency that proffered it to him; and it presents to the country at large an instance of independence on the one hand, and of toleration and confidence on the other, worthy of all commendation.

Since his election to Congress, Mr. CORWIN has mingled freely in the discussion of political questions. He was a delegate in the Republican State Convention, at Columbus, Ohio, which nominated, as its candidate for Governor, WILLIAM DENNISON, jr., whom he accompanied through a portion of the State in the canvass which has recently* terminated in that gentleman's election.

Mr. CORWIN's addresses, during this last campaign, manifested an earnestness and energy calculated to im-

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"dian did to his ward. As a member of Congress, he would act as a "faithful guardian, bring up the Territories 'in the way they should "go,' and counsel them 'never to depart from it.' But when a Terri- "tory was emerging into a State, it was becoming 'of age.' He could "do no more than point out the benefits of its early training, and if it "chose to deviate from his teaching, he could only regret it. It was "then, as the minor become of age, its own master. Congress having "passed an enabling act, permitting it to make a constitution and set "up for itself, could not, he thought, consistently refuse it admission "into the Union on account of a clause in its constitution, when we "had in the Union fifteen States with similar constitutions. If we had "no power to turn out States on that account, we should not keep them "out. Here he read from the remarks of John Quincy Adams—good "authority with the most ultra anti-slavery men—on the admission of "Arkansas, showing that in this view he only re-affirmed what that "eminently wise statesman uttered."

* October, 1859.

press the public with the importance which the result would have upon the issues of the day. The doctrine of "Popular Sovereignty," as promulgated by a distinguished leader of one political school, furnished, upon some of these occasions, a theme for him to exercise his characteristic power of dissecting opinions, and of showing the incongruities and inconsistencies of these modern theories, as compared with the well-established and (for more than half a century) generally received views of the constitutional powers of Congress. He adduced, with telling effect, the fact of the earlier administrations agreeing upon these powers, with entire unanimity; that among such men as CALHOUN, J. Q. ADAMS, CRAWFORD, and WIRT, of President MONROE's cabinet, there was no difference of opinion upon a question which, in these latter days, is sought to be interpreted into something dissimilar to what it meant during that "era of good feeling."

Mr. CORWIN, whenever it seemed called for during the recent canvass, advocated, with his accustomed ability and decision of purpose, the duty of maintaining the supremacy of the law; and discountenanced any other mode of redress for the real or fancied evils under which the citizens of the non-slaveholding States labored, in consequence of the reprehensible features in the act for the reclamation of fugitives from labor, than that which the people of a republic can peacefully and effectually apply by the exercise of their constitutional powers. The obligations of good faith required that each member of this confederacy should fulfill its part of the compact. There was a safe remedy for whatever of political inconvenience we temporarily endure, and laws of our own

making, as we must admit all our laws to be (through our own selected agents), it did not become us to violate.

He also reiterated, in these more recent political addresses, his views, previously entertained, in relation to our system of providing the revenue necessary to carry on the Government, and illustrated the beneficent operation of such impost duties as afforded protection to every branch of American industry, without imposing burthens upon any class of producers. The effects which would be produced upon free labor by a resort to direct taxation, he failed not to depict in vivid colors.

While deprecating, as he did, the virulence of party spirit, he admitted, in view of the imperfectibility of mankind, the necessity of the existence of parties. But his great aim, during the canvass, appeared to be to further the action of the people upon what he conceived to be safe and correct principles, without an exhibition upon their part of ultra partizan proclivities. To his efforts, it is not to be doubted, much of the conservative element in the opposition to the party now in the ascendancy in the General Government, was brought into active and practical exercise in favor of the candidates of that opposition in Ohio, and to its consequently triumphant results.

But, however this may be regarded, Mr. CORWIN has discharged simply what he conceived to be his duty—occupying the relation which he does to the common weal of the Republic. The sincerity of his motives no one who knows him will question. The sentiments he has avowed find their response in the hearts of all true men, who will neither submit to any violation of the rights of their own States, nor countenance a wrong in-

flicted upon any other portion of this confederacy. They have been adopted from reflection upon views long-cherished and calmly considered; and they will bear the test of a comparison with the doctrines taught by the framers of our Constitution and their patriotic contemporaries.

In conclusion, it may be remarked, with full confidence, that in the part which it may yet be Mr. CORWIN'S fortune to take in the active official affairs of this Government, he will continue to exhibit the high-toned and independent course which has hitherto marked his political career; that he will always be found, in voice and vote, in favor of the leading measures of national policy which he has heretofore so fearlessly and eloquently advocated; and that no motive of mere expediency, or party *finesse*, will swerve him from the course which a conscientious conviction of duty points out to him as the one for a devoted friend of his country and its true interests to pursue.

I. S.

SPEECHES

OF

THOMAS CORWIN.

AGAINST CORPORAL PUNISHMENT.

[In the House of Representatives, in the General Assembly of the State of Ohio, December 18th, 1822, upon the bill to introduce public whipping as a punishment for petty larceny, Mr. Corwin addressed the Committee of the Whole as follows:]

Mr. Chairman:

I never rise to offer my opinions to this house without feeling a powerful impression of the many embarrassments which I am obliged to encounter. This, sir, does not originate from a servile dread of your criticism, or the consequences of declaring thus publicly and to the world the honest convictions of my heart. No, sir, it arises from a more natural and a more honorable cause; it proceeds from that deference which is due, and which we almost instinctively pay, to age and experience, and a consciousness that I am wasting the time of this house in vain, when opposing my arguments and judgment to the well-formed and authoritative opinions of my

venerable friends. Under these circumstances, I do assure this committee I should have considered my duty discharged by a silent vote upon this bill, had not my professional pursuits frequently compelled me to give a careful and often painful examination to most of the subjects involved in its policy.

In the prosecution, and sometimes in the defense of criminals, I have had frequent opportunities of viewing and considering the occult and secret sources of crime, more distinctly than I possibly could had I been an unconcerned observer. I will venture to assert, that there is not, in the whole circle of society, a situation so favorable to the discovery of the true nature and causes of crime, as a practice at the bar of a court of criminal jurisdiction. There you may behold, as from an eminence, the whole area over which we are now about to pass. Here you see one class of mankind, whose orbit seems to have been fixed and revolutions all performed within the regions of vice. Others again, of more equivocal character, who, without any settled system of action, or determining force of disposition, have been impelled forward in a wild and eccentric direction, and occasionally and accidentally passed within the hemisphere of crime. With these advantages, I would hope not entirely unimproved, I have formed an opinion on the subject opposed to the principles of the bill, which all the very able and ingenious arguments of the gentlemen on the other side have not induced me to relinquish. I shall not differ with the gentleman from Highland [Mr. Collins] as to the great

objects of criminal law. By imposing certain penalties upon the commission of specified offenses, it is intended to reform the convicted culprit, and by the example of his punishment to frighten others from the yet untrodden paths of iniquity; and thus, by operating upon that principle common to all, an aversion to pain and privation excite in the mind a thorough abhorrence of the crime which is thus necessarily connected with misery. All these point to the great and primal object of both divine and human government—the preservation of right, and the promotion of human happiness. The scourge, uplifted by the first section of the bill, is brought forward as an auxiliary in this great and benevolent work. About the ends to be accomplished there can be no difference of opinion: the adaptation of this instrument to the accomplishment of these ends is the only subject of dispute. But, sir, when we consider the variety of considerations necessarily connected with the subject of crime and its punishment, and that each of these is to be carefully weighed in the balance of judgment, and the proper weight and value assigned to each, before a correct result can be had, it is not surprising there should exist an honest difference of opinion as to the means by which the grand object in view is most likely to be insured.

I am satisfied, if the gentlemen who advocate this bill would examine themselves closely, they would find that considerations very remotely connected with the true principles of criminal jurisprudence, have contributed very powerfully to the establishment of

their present opinion. I am confirmed in this belief by the reiterated arguments of the friends of the bill, drawn from the expensiveness of the system at present in force. Your present mode of punishment, say they, must be abolished; the expense is intolerable, and can no longer be borne by the counties. Let us examine, then, for a moment, this argument, and see whether its intrinsic weight is such as to give it the first rank among the reasons for abolishing the old and adopting the new law now proposed. It will be admitted, that the first and main designs in adopting any system of criminal law, are to reform the criminal, and by his punishment, to deter others from imitating his conduct, and committing similar crimes.

This admission is sufficient of itself to show the comparative weakness of all arguments which proceed from a calculation of costs. It surely requires no argument, to prove that the money expended in procuring the punishment itself, can have no effect in producing those consequences, for the sake of which you are alone warranted in passing any law upon the subject; that is, the reformation of the culprit, and the security of your right, by holding out the terror of his example to others. For instance, would a post and whip, which should cost five hundred dollars, have an effect upon the criminal or society, in any respect different from one equally strong and powerful, used in the same manner, which should not cost the tenth part of that sum? The punishment is alike severe in both cases; the effect upon the

criminal himself and upon those who witnessed his punishment, would be precisely the same in the former case, which costs five hundred, as in the latter, which costs but fifty dollars. If the price, at which the punishment can be procured, is the first and most important consideration, then the gentleman, to be consistent, should abandon the measure now proposed, for many systems of punishment may be devised, much cheaper than even the swift and summary vengeance of the whipping-post and the scourge. This view of the subject may enable us to form something like a correct estimate of the argument of expense so long and so frequently urged. Still, sir, I would not be understood to argue, that in the enactment of a law of this kind, we should pay no regard to the expense which will be incurred, in carrying that law into effect; but I would show, by these remarks, that this argument can only be made effectual, when it is proved in support of it, that the operation of the law is so expensive as to bear no reasonable proportion to the good effects resulting from it.

There are some among us, I believe, who are in favor of the bill upon the table, who are, nevertheless of opinion that fine or imprisonment is a punishment more appropriate to the crimes we are enacting upon. They tell us they detest and abhor the vile and bloody instruments with which they propose to arm our courts, and that they do not expect their property will find a more efficient protection from these agents than it has formerly experienced from fine and imprisonment; that they are

willing to adopt a law which they believe to be wrong and impolitic, with the hope of reducing the taxes, and relieving the existing burdens of the people. Sir, the people have required no such sacrifice at your hands; they have not petitioned you for relief; they have not prayed you to redeem them from this grievous oppression—this "Egyptian yoke." Gentlemen have mistaken the clamors of a few selfish individuals for the voice of the State. If it were true, as has been represented, that the cries of the State had resounded from one extremity of it to the other, they would have been heard within these walls in the constitutional mode; your tables would have groaned beneath the weight of their petitions. The people, sir, are not idle, or inattentive to their interest, nor are they so selfish or avaricious as to sacrifice the general interest, honor, and prosperity to such sordid and pecuniary considerations. Ask yourselves the question, would you not rather sacrifice the pitiful sum that would be drawn from your own pockets, to pay this item of expense in the administration of the law, than to introduce these ornaments of the slave-driver into your temples of justice?

The whipping-post and the lash are indeed beautiful appendages to the public buildings of your counties; and when the traveler, attracted to your shores by the fame of your unexampled growth, in everything which marks the character of a great and enlightened State, shall inquire of you the use of that post which occupies a station so commanding among the public buildings of Ohio, what answer

will you give? You must tell him the truth; and you may inform him, that it is a deity that is worshiped by the seven hundred thousand inhabitants of Ohio; that his peculiar attributes and qualities, are a love of money, and a thirst insatiable for human blood; that his voracious stomach is regularly, three times a year, gorged with his favorite drink, drawn from the veins of your citizens by the application of whips and scourges. Complete the story if you can, and tell him that for this he saves in your pocket from five to ten cents a year!!! But, sir, I will dismiss this point, and proceed to consider what is in truth a much more important branch of the present subject—the nature and effect of the punishment itself. The dispute now is between the stripes on the bare back, as proposed in this bill, and the fine and imprisonment of the old law. In the view which I propose to take (in a few words) of these two modes of punishment, it will be necessary to keep steadily in our sight, the nature and character of the person upon whom the punishment is to act, and the ends to be accomplished by its infliction. Here I would use the very instance produced by the gentleman from Highland, in support of the bill, guided by the unerring laws of human nature: let us test this example, and let experience decide whether the conclusion I shall draw be true or false. Let then the person be an old offender, hackneyed and trained in the ways of wickedness: by an habitual communion with depravity, his sense of shame is destroyed, and his love of reputation extinguished; his crimes shall have

fixed upon him the abhorrence of all who knew him, and broken every tie which once held him in a state of social existence. Such a being, it is argued, can only be punished by the infliction of stripes; the blunted sensibilities of such a wretch, it is said, can only be roused and acted upon by the tremendous apparata of vengeance, furnished forth in the first section of the bill. This, sir, is a conclusion which I can not admit; my mind directs me to a result directly opposed to the one at which my friend has arrived. I shall very readily admit, sir, that persons may be found approximating very nearly at least to the character described. Suppose him bound and fettered to the whipping-post; imagine, if you please, all the playmates of his childhood, the companions of his youth, and the graver acquaintances of his riper years, to be present surrounding the place of his supposed disgrace, and punishment. What, sir, to such a being as we have imagined, would this be, or what effect would it have? Would he be overwhelmed and dismayed at the frown and disdain of the multitude? No, sir; aware of this, he would arm himself with triple insensibility. Lost to all sense of shame, he looks upon their scorn and abhorrence with muscles unmoved, or a smile of contempt. Bankrupt in character, and with no desire to redeem a ruined reputation, he looks forward to their future detestation as a thing with which he had long been familiar, and about which he is utterly indifferent. The whip, then, as the gentlemen have argued, is the only possible enemy with which he is to contend—he has

nothing more to arm himself against but the lash. The surrounding multitude, all the parade and preparation of the scene, are idle pageantry to him; and if he can but harden his nerves, and fortify his flesh with the proper degree of insensibility, he can endure with equal stoicism and unconcern the severest corporal pain that human ingenuity can invent, or human power inflict. If it can be shown that man (when it is necessary, and when properly schooled for the purpose,) can endure with comparative ease the severest corporal pain, then I think it is fair to conclude that this would be the case in the instance before us. Be assured, the old and well-practiced criminal has not been such a careless observer of human events, as not to have anticipated the probability of punishment and prepared for its arrival; and when he sees the bustling and eager crowd assembled for the very purpose of beholding his humiliation and feasting upon his torment, you need not be surprised if all the energies of his depraved and hardy nature were called into action to disappoint the still more brutal expectations and desires of the mob.

Hard as this triumph of our nature over pain (its natural enemy) may seem, thousands of examples could be produced to prove it an object of easy acquisition. Look to the history of the Indian tribes of America, when the vanquished warrior unfortunately survives a battle in which his tribe has been beaten, and himself made prisoner. The conquest is not complete until the victor chief has exerted his

system of torture upon the captive. The excellence of this scheme of cruelty is made to exist in the length of time it will continue its severity, without destroying the sensibility of the victim. Yet such is the power of human nature, when fully exerted, that malice, when she has exhausted all her invention, is often disappointed of her wish, and obliged, at last, to behold the unconquered son of the desert standing amid his torments, with as much ease as if he were reposing upon his own native hills, breathing the fragrance of the wild flowers of the desert, and surrounded with all that could soothe the soul and gratify the sense.

So it will be with the old, the stern and obdurate malefactor. It would be found impossible to inflict stripes upon him with such severity as to produce any effect upon him at the time; of course, as to himself, the effect, if any, must cease to operate the moment he is discharged. But, sir, what impression will those receive who witness this impotent attempt! The answer is obvious. The abhorrence of his crime, and the terror of its punishment, are all lost and forgotten in the admiration created by the fortitude and indifference of the culprit under the influence of the scourge; and the whole transaction leaves no impression upon the mind of the beholder, except that he had witnessed an unavailing attempt by an officer to inflict a severe punishment upon a convicted villain, who obstinately and triumphantly resisted all his power. Loose your criminal from the post, and in an hour after all this has happened, you shall find

him celebrating his victory in drunken revelry with his licentious companions.

But, sir, it does by no means follow that there is no punishment which can have the wished for effect. Yes, there is a punishment by which he may be made to suffer: meet him, oppose him in the very principle which prompts and urges him to the perpetration of crimes. A love of abandoned company, and an aversion to the labor and confinement of honest pursuits, have impelled him to seek a livelihood in the violation of your laws. Let him know, then, that, in the pursuit of his favorite enjoyments, the moment he passes the prescribed limits of the law, he shall forfeit the very boon he seeks. Show him that he must exchange his wild and erratic independence for the chains and bolts of a prison; that his favorite companions must be forsaken for the deep solitude and tenfold horrors of a dungeon. Here he shall be deprived of the wild and spirit-stirring pleasures which enabled him to avoid reflection upon his crime. If it be possible, by human agency, to reform and punish a being such as I have described, they are to be expected under circumstances like these; cut off from all his once-loved pursuits, and deprived of all external objects of reflection, he is compelled to commune with his own mind. The sounding scourge and hissing snakes of his offended conscience drive him, in desperation, to that open sepulcher—the naked human heart. Then, and then only, does the conscious mind become its own awful world; and the hardened wretch that a short time before bid

defiance to all the terrors of penal justice, now, alone and subdued, cowers and sinks under the weight of her retributive vengeance,

"In pangs that longest rack and latest kill."

Surely, if there be punishment against which our nature can oppose no adequate force; if there be terrors which can arrest the hand of wickedness in the half executed crime, they are to be found in the darkness and loneliness of solitary confinement—in the dungeons of a jail.

Now, sir, let us turn, for a moment, to another and very different character, but one who may often be the subject of that punishment now proposed for our adoption. He shall be one who has acted not from a fixed and resolute disregard of moral obligation or social duty, but rather from a thoughtless impetuosity of disposition, which frequently hurries men, otherwise virtuous and honorable, to the commission of crime. He may be one who has acted under a strong and imperious necessity. I will suppose him to be a young man. He may be the pride and only hope of his humble but respectable parents; but, in an unguarded moment, or under the influence of strong and uncontrollable necessity, he has done a deed which brings him to the *whipping-post*. Need I pursue this description further? Need I ask the venerable gentlemen to place themselves in the situation of such a father? Is there a man upon this floor who could see the back of such a stripling bared to the inhuman scourge? No, there is not one; the

mover of this bill could not, its best friends could not, endure such a sight. Where, then, is the influence of an example which none can behold—which no father would permit his children to see; or what kind of law, I ask, is this which, in its operation, violates and outrages the first, the original, the best, the fairest attributes of our natures? If the sheriff should do his duty on such an occasion, he would bring down upon him the execration of all who knew him; if he fails in his duty, the law is a mockery and its administration a farce.

What effect will this have upon the offender himself? Will he be reformed by your punishment? No, no one will pretend it; because it is a kind of punishment calculated to stimulate the angry and vindictive feelings of the soul, and not to subdue the depravity of the heart. Loose your victim, and again driven out from among men, he goes forth a desperado, a wretch, prepared "to war with men and forfeit heaven."

There are many other views which might be taken of this subject, against the policy of the law, but I fear I shall weary the patience of the committee. There are, however, some further objections to this bill, which, in justice to my own feelings, I can not omit. All writers on the subject of criminal law agree, and the common sense of every man will confirm the opinion, that the certainty of punishment should be regarded more than any other consideration, in the enactment of a criminal code. Will this grand primary object be obtained by the passage of

this bill? I answer, it will not. If you tell me this punishment is more severe than fine and imprisonment, and therefore preferable, I answer that, in proportion as you increase the severity of the punishment, so in proportion do you diminish the certainty of its infliction; courts will be more scrupulous and technical in motions to arrest judgments and to quash indictments; juries will not convict for an offense so readily, where the punishment is cruel, as when it is more lenient. Here, again, I must appeal to the experience of every gentleman who has been at all conversant with the courts of justice, for the truth of this remark. But, sir, there is a better reason than this. I still believe that public opinion revolts at the idea of this species of punishment, and I will defy any man, however strong and cogent the proof may be, to produce a conviction, in five cases in ten, where the punishment consequent upon the verdict is odious and detestable to the jury. Your offenders would here see the opinion and sympathies of the whole community perpetually engaged in their behalf, and acquittals would take place where guilt was manifest. Thus, sir, is the first great consideration (a moral certainty that punishment must and will succeed crime) lost sight of in the bill. This is of the very last importance—crime and punishment, in the administration of justice, should be linked together like cause and effect. But they are disjoined far as the poles from each other, and a conviction, with many juries, would be almost beyond the limits of probability.

But I am told there is a saving alternative for these cases; the court may whip, fine, or imprison, or all, if they choose. I answer, juries will not trust their verdict to the mercy of the court. They will argue thus: "We may, by finding the defendant guilty, be the means of carrying him to the whipping-post; we can not tell what the court may do, we will rather acquit than risk the consequences which may follow a conviction."

This alternative, which the gentlemen resort to as the salvation of the bill, is to my mind one of its most objectionable features. It is a fact well-known, that some counties in the State will never, under any circumstances, resort to the whipping-post, while they have any alternative left; it is equally certain that in some circuits you would seldom hear of fine and imprisonment, and all would be whipped. In this way we should produce this strange phenomenon in jurisprudence; a general law made for the whole State alike, operating in one part of the State in a way and with tendencies widely different from its operation in another part of the same State. If it be true as contended, that the whipping-post is to moralize, reform, and christianize wherever it goes; and if it be true that the present system encourages vice, frauds, and pampers crimes, what kind of population shall we have in Ohio? Where whipping prevails, we shall behold a pious race, strictly observant of all the mandates of the decalogue, and full of the wisdom that "exalteth a nation." But where fine and imprisonment are the punishment, vice, unbridled and

lawless, must riot upon the peace of the country, cursed with all the crimes that are a "reproach to any people." There will be, in the circuit protected by the whipping-post, none but Israelites without guile; pass but an ideal boundary, and in the adjoining district now you have but devils incarnate. This motley and discordant population must be the result of the operation of this law, if there be that wonderful difference in the modes of punishment which is contended by the friends of the bill.

Permit me, sir, to ask one question more, and I have done. Under the administration of the old law, have we not experienced all the good order and social peace that can be expected in the best regulated society; has there (since the adoption of that system, which is, I believe, about six years) been an increase of crime beyond the increase of population? There has not. Who can or will deny this. But, sir, if there had been, it might be accounted for upon principles different from those which grow out of an insufficient law upon the subject of crimes.

Within the time I have named, a regular army has been disbanded and let loose among us; all that was vicious, depraved, and licentious in that army, has been poured in upon us, and mingled its corruptions with the elements of society. Yet with all this to contend with, your old law has struggled through the conflict, faithful, efficient, and adequate to the purposes of its creation. Do not suppose that I am detracting from the merits of the brave men who sustained their country's honor, glorious and untar-

nished, throughout the struggle to which I have alluded. No, sir; I believe they would have carried your eagle in triumph round the globe, had they been commanded to do so; yet, sir, the melancholy truth is still the same. The army is not a school of morality; it is not a place where the peaceful virtues are taught or practiced. Let it not be forgotten, that this very kind of punishment has been disused and forbidden in the armies of a Bonaparte.

Yet this fugitive from the dominions of a military despotism is to be naturalized and made a citizen of Ohio. I will present one case for the consideration of the military gentlemen of the house. Suppose an old soldier, with whom you had fought and bled, should become the subject of this punishment; unused to the arts and avocations of peace, he has stolen a trifle, and is brought to the post. While stripping for the sacrifice, should you behold upon his rough and manly bosom the scars which speak of his bloody and heroic deeds at Orleans, at Chippewa, or at the Thames—is there an American arm that could be raised against him? If there be such a wretch, he must have a heart harder than adamant, lower than perdition, blacker than despair. Sir, I must sit down. I ought, perhaps, to pursue the subject further, but I must give place to those whose years entitle them to a greater share of the indulgence of this house.

MASONIC ORATION.

[Delivered at Hamilton, Ohio, June 24, 1826.]

Fellow-citizens and Brethren:

The pleasure which I should feel in having been distinguished by your confidence on this interesting occasion, is much impaired by the humiliating conviction that I shall not do justice to your humblest expectations. The particular cause of this painful embarrassment must be obvious to that portion of this numerous assembly, which belongs to the Masonic family. The anniversary which has called us together has been celebrated by us, for many centuries past, with sacred and undisturbed punctuality. You will therefore at once perceive, that all the topics which are naturally suggested by the occasion have been essayed and exhausted by the highest order of mind which a succession of ages could produce. The path prescribed to me, is not only strewed with the fairest flowers of speech, but it is cultivated and adorned on every side, with the rich creations of the most exalted intelligence. Thus situated, the conspicuous position to which I have been called by the kind partiality of my brethren, would be appalling indeed, were I in the presence of an audience unacquainted with my pursuits in life, and my humble

pretensions in public declamatory address. To these considerations I feel it due myself to add, that my professional engagements, for several months past, have been such as to preclude even the possibility of presenting you with any production, however brief, characterized by study and preparation. These remarks are not submitted from any servile fear of your criticism, for I have not the vanity to believe that the brief and undigested observations I shall make will be deemed of sufficient importance to render them the subject of either censure or applause; but they are offered in justice to the fraternity whose humble organ I am, that you may not form a hasty judgment of Freemasonry from what you may chance to hear from me under circumstances so unfavorable to a fair development of her principles. There are doubtless many present who would be gratified to know the particular reasons which induce us to adhere with such rigid exactitude, to the celebration of this day as a Masonic festival. This natural curiosity may be gratified by a few obvious considerations.

We have assembled in accordance with a very ancient usage among Masons, to offer our public homage to the memory of St. John the Baptist. The propriety of perpetuating the memory of striking events and illustrious men by anniversary celebrations, can be inferred from the practice of every nation in every age of the world. In the early stages of human association other means were employed to insure this noble and beneficent purpose. A

pyramid of stone, a misshapen tomb, with traditional narratives transmitted by hereditary piety from age to age, served to inform the unlettered savage of the gratitude he owed to the hero of his tribe, or the law-giver of his nation, whose memory otherwise, the ever-rolling current of years had overwhelmed in oblivion. The Romans wisely preserved in consecrated temples, lasting memorials of the founder of their empire, and the enlightened Greeks, availing themselves of the art of sculpture, perpetuated in marble the sages and heroes of their race. Thus did the early benefactors of nations live for centuries beyond their natural existence, and continue to make salutary impressions upon succeeding times. Modern anniversaries, sacred to the memory of those whose virtues have created eras in the history of man, have this end in view, and subserve in a higher degree the same valuable design.

For these reasons, as often as the wheels of time roll on the nativity of John the Baptist, as Masons we are taught to separate our thoughts from the cares that waylay all our paths through this world, and concentrate our reflections upon the exalted qualities which characterized this extraordinary man. He, our traditions inform us, was an active and firm adherent to the grand tenets of Masonry, and our Masonic injunctions require us to revere him in the double character of an inspired servant of the most high God, and a devoted supporter and patron of our ancient institution. By this custom—consecrated by time, approved by reason, and sanctioned by the

holiest aspirations of the heart—we hope to superinduce in our lives and conduct a closer approximation to the virtues which marked the character of our patron saint, in whose life we are taught to believe the pristine beauties of brotherly love, relief, and truth shone forth in effulgence unfading, without a cloud to shadow their radiance from an admiring world. The most careless observer will see, at a glance, the striking difference between this and almost every other public festival known to the present age. We do not assemble to immortalize the achievements of a conquering general, or to rejoice at a fortunate victory over the contending foe. We meet to commemorate the reign of peace, and cherish those retiring virtues of the heart that shun the glare of public show, and extend to the afflicted and obscure their unseen beneficence. Hence, in our public exhibitions, there is nothing to excite the strong emotions of the soul. The wild tornado that levels whole cities with the ground, and whelms your navies in the devouring seas, impresses the mind with a horror that time can seldom efface; while the common air that keeps the mysterious machine of life in motion, and is everywhere diffusing health abroad, scarcely excites a passing thought. The lofty mountain, whose lone summit is robed in volcanic flame, arrests the imagination with an intensity that no object, however pleasing, can divert; while the extended plain, whose humble shrubs and flowers and fruits bring abundance and happiness to all around, is seen without emotion, and passed by without a single reflection.

But in a much more important particular is this anniversary distinguished from those of a political or purely national character. If we assemble to commemorate the achievements of a general, who by slaughter and conquest has contributed to national renown, the cannon's roar, and the victor's trophy necessarily associate with them the memory of embattled fields and conflicting hosts. Is the banner of victory displayed, imagination sees in its train "famine, sword, and fire crouch for employment." Do we gaze with rapture upon the laurel that encircles the conqueror's brow, the noble ecstacy is repressed when fancy beholds it crimsoned over with the blood of the slain, and grasping with its tendrils the cypress that weeps over the vanquished, perhaps the generous foe. Even on our own national festival, whose annual return reminds us of our happy deliverance from a foreign yoke, the angry remembrance of a hated and vindictive foe mingles in our most fervid gratitude to heaven, and stains it with the black hue of revenge. Far different are the feelings which the recollections of this day inspire. The emblems displayed by us speak only of the peaceful triumphs of virtue over vice, and indicate a charity and good-will as wide in their desires and action as the globe itself. Delineated on the clothing we wear, is the temple of Masonry. Behold its ample dimensions! Its indestructible foundations extend from north to south, and sweep from the farthest east to the remotest west. It tells you that her expanded portals are open to receive the just and upright in

heart of every tongue and clime; that the arms of Masonic charity inclose within their fostering embrace the entire family of man. Turn your eye to that star—it is emblematical of that which guided the wise men of the east to the birth-place of the Redeemer. Contemplate, for a moment, those parallel lines — one of these represents St. John the Baptist, the harbinger of the long-promised Messiah.

How richly instructive the reflections, and how sweetly accordant to the impulses of Christian piety are the emotions which these exhibitions are calculated to wake up in the mind and heart; the obstreperous note of the battle-song is still, the shout of victory is hushed, while the soul, attuned to harmony and peace, breaks forth in the cherub strain that announced the advent of the Savior, "Peace on earth and good-will toward men." Another striking characteristic of our symbols is the ancient date to which they evidently refer. They remind us that Masonry existed in times long gone by. That temple would indeed seem to assert the origin of Masonry to be coeval at least with Solomon, its illustrious builder.

Upon this subject it may be observed, that the time when Masonry began to exist is a matter of small importance, when compared with its true tendency and design. Yet since this is a point upon which there is much curious speculation among men, and about which there is some contradiction and more conjecture among those distinguished for their knowledge of ancient history, I will, in passing, submit to your consideration some facts which bear upon

this much contested point. In doing this, I shall unavoidably notice some things which will show the moral character of Masonry, and the use which a mysterious providence, in ancient times, has made of our Order. History is not silent in regard to the ancient existence of Masonry, though from the very nature of this society, its identity could not be distinctly traced along the track of time, and made public by historical record.

It has never been denied that Masons are to be found in almost every country which has been subjected to modern discovery. Nations who have had no intercourse whatever with each other, differing in language, manners and laws, have seen their subjects meet for the first time, and recognize each other to be members of the Masonic fraternity. In every quarter of the globe, however, the grand features of Masonry are found to be the same. This is true in regard to tribes and countries where letters and the arts are extinct, and where commerce and modern improvement have as yet made no impression upon the national character. This remarkable coincidence, which, I believe, is admitted by all, remains to be accounted for. To this end let me direct your attention to the very few facts which I am at liberty here to state. We are informed by a writer whose intelligence and veracity has never been questioned, that most of the Tyrians who had been employed by Solomon in the erection of the temple at Jerusalem, after the completion of the building, returned to their native country. We learn from the same source that

about this time, many of the Jews who had been engaged in building the temple, migrated to Phœnicia, a country of which Tyre was at that time the principal city. This Jewish colony, for some cause left unexplained by the historian, was oppressed by its neighbors, and became weary of its possessions. In these difficulties they flew to their friends for relief. The Tyrians who had labored with them upon the temple at Jerusalem, mindful of their sacred obligations, which seven years' mutual toil, and the interchange of all the kindly offices which their fraternal connection had induced, furnished their Jewish brethren with ships and provision. They took their departure for a foreign land. If they, as workmen at the temple, had been invested with secrets not known to others, there can be no doubt but they preserved and carried them wherever they went. They left Tyre, passed the straits of Hercules and finally settled in Spain. They bade a final adieu, not only to their adopted country, but doubtless they bade a last farewell to the land promised as a heritage to them and their posterity forever. In this mournful pilgrimage, if they possessed the secrets, there can be no doubt but they carried with them the sacred symbols of Masonry, and in the land of the Gentile erected the altar and lighted up the lights of the Order. Strabo, whose general accuracy is surpassed by no author of his time, informs us that about one hundred and ninety years after the Trojan war, which would be about fifteen years after the completion of the temple, a colony of Jews from Palestine made a permanent

settlement on the western coast of Africa. From these three points we follow the march of Masonry throughout the world. In all the countries settled by emigration from these, or connected with them by alliance and commerce, Masonry is found, her signs the same, her mystic word the same in all. The most rational conclusion from these premises would seem to be this, that Masonry had its origin from some common source far back in the annals of the world; and from the ceremonies and emblems of the Order, that source could be no other than Solomon, the king of Israel. It is also clear that Masonry began in the erection of the temple at Jerusalem, that temple designed to preserve the unadulterated worship of the only living and true God. These remarks can only apply to the six first degrees of Masonry. Let us ascend to the seventh, and see if there be nothing in the "Royal Arch" to show that this last had its origin with those great and good men who built the second temple upon Mount Moriah. There are a variety of facts derived from sacred history all tending to show that from the death of Solomon to the completion of the second temple, the Pentateuch or five books of Moses were very rare, and that at one time, at least, they were believed to be entirely lost. Josiah, a prince remarkable in history for having restored the true worship of God at Jerusalem, reigned in Judea about fifty years before the Babylonish captivity. During his reign it is stated as a remarkable fact, "*that the book of the law was found by Hilkiah the Priest in the house*

of the Lord." That this was the only copy then known to be extant, is rendered certain from the joy expressed by the King at the event. We are told that when it was read to the good King, "he rent his garments," such were his transports in knowing that the sacred legacy of Moses was still in possession of his divided and afflicted people. From this time until the days of Ezra, a period of about one hundred and seventy years, we hear nothing in sacred history of the books of the law. The ark, it is well known, with the law and the covenant, always remained in the temple. As these were objects of sacred regard and religious veneration with the Jews, so, doubtless, they would have been most valued by Nebuchadnezzar, had they fallen into his hands when Jerusalem was sacked and the temple destroyed. Had they been captured by him and carried with the consecrated vessels to Babylon, and there preserved, so important a fact could not have been overlooked by the sacred historian. But, from the silence of history, all doubtless supposed the law and the testimony to be forever lost; such, however, was not the design of Heaven. Where then do we next hear (after a silence of one hundred and seventy years) of this sacred deposit.

The learned and proverbially accurate Dr. Prideaux assures us, that after the second temple was finished, there existed an association of men at Jerusalem, who had certain secrets unknown to the rest of the world; that Ezra was the chief of this society, and that he was with his brethren many years engaged in tran-

scribing the books of the law. Another historian, speaking of the same society, tells us that the Hebrew name by which they were known, signifies tradition. These facts would seem to establish two important particulars; first, that there was then extant but one copy of the book of the law, it being an object of such great importance to increase the number; and secondly, that Ezra and his brethren who were engaged in this sacred duty, having secrets unknown to the world, and a name corresponding with a grand feature of Masonry, "Tradition," were Royal Arch Masons and practiced the rites of the "sublime degree." From these facts it would appear, that Masonry, reviled by ignorance, and persecuted by prejudice, was at this time the humble means employed by divine providence to preserve the only revelation as yet received from God.

The sacred temple had stood for four hundred years, the only altar not contaminated with idolatrous sacrifice. There within the "Holy of Holies" the law and testimony in the heaven-appointed custody of the Levite had safely reposed: but the conquering Chaldean came, Jerusalem is laid waste, the lofty columns, the porticoes and brazen pillars of the temple yield to the devouring flames, and sink in undistinguished ruin; the consecrated vessels are borne away in triumph, and the house of Israel is carried captive to Babylon. The law and the testimony are heard of no more, the feast and the sacrifice, the priest and the altar, are alike forbidden and hateful to the heathen oppressor; the captive

Jew hung his harp upon the willows and wept by the streams of Babylon. When they believed the ark and the covenant between God and his chosen people were forever lost, no wonder they mourned for the desolation of the city of David and exclaimed: "When I forget thee, oh Jerusalem, may my right hand forget her cunning!" After his long captivity, when he again returned to the land of his fathers, how did the soul of the pious Jew glow with gratitude to those, who had preserved the law and the testimony from the devastation of war, and the ruin of time, and again deposited the sacred book in the house of the Lord. When we take into consideration only the few meager facts, thus slightly sketched, we should suppose the pious Christian would pause before he denounces this unoffending Order, to which the best men have adhered for many ages past; surely the polite scholar, and the learned antiquarian, should hesitate before they join a censorious and ill-judging world in the assertion, that Masonry is the offspring of a barbarous age, that it is calculated for no great attainment, and has subserved no valuable design.

If the ancient history of our Order is illustrious for having participated in great events, it will be found that its career in modern times is not less so, for having furnished a remedy for evils which could find no redress in any other of the institutions of man. A very brief retrospect of the history of our afflicted race will show a necessity for the establishment of a society having a sublime and pure morality

for its ethics, and a scheme of benevolence toward man, enforced by penalties distinct from the common obligations of social or municipal law. The earliest records of man are replete with the history of his cruelties and crimes. He was indeed created upright in the image of his God, but alas how brief is the season of his continuance in his primitive state. Scarcely had the first family taken its social form, when the blood of Abel ascended to the skies, a melancholy witness to the apostasy of man, and a sure presage of his future career. Hence the faithful historian, from Adam to the deluge, and from thence to our own times, speaks only of tribe warring with tribe, power conflicting with power, till some warlike butcher, more fortunate than his peers, has brought contending communities and tribes within the grasp of his sole domination, and compressed them into one bloody mass, subdued and inert, upon which he exerts his uncontrolled dominion. Religion, it is true, held forth her persuasives to virtue, but in the estimation of thoughtless men, her rewards were valueless, because they were postponed beyond the term of his mortal career. Her dreadful penalties appalled him not, because they were to fall on him hereafter, and he hoped by amendment to avoid their infliction. The destinies of the world seemed to be committed to man, and he used his power only for the purposes of destruction. War, cruel and relentless war, in every age has deluged the peaceful earth with the blood of its inhabitants, and imbittered it with their tears. Government and jurisprudence, it

is true, in modern times, have done much for suffering humanity. But, so various are the characters of men, so complex the structure of society, and so diversified the crimes with which it is afflicted, that the wisest statesmen have given up the task as hopeless, and submit patiently to endure evils which their utmost sagacity can not prevent. Treachery in friendship, hypocrisy and deceit, and ingratitude that sin denounced by savage and civilized man, must still go unpunished. In despite of all political regulation, power will sometimes accumulate in the hands of the few, and the weak are subjected to its licentious sway. We still see oppression in some shape, pursuing its victim with the eye of the eagle, and the vulture's appetite. The philanthropist, with all his ardent desires for the happiness of his species, looks on in hopeless impotence. Here Masonry interposes; power, wealth, and all the adventitious aids of fortune create no preference in her choice; she receives the sufferer within her walls, and throws the ægis of her protection around him. If the purple of majesty, as has been the case, finds its way into the lodge, the monarch sees and confesses that his regal diadem is of no more value than the sordid rags of the beggar. Here all meet on the level of perfect equality. The brow of power unbends its haughty curve at the well-known sign, and the frown of anger gives place to the smile of conciliation at the "mystic word." There all are taught that stern perseverance in upright and virtuous life, can only give pre-eminence to one man over another. Thus

instructed and qualified the Mason goes forth from the lodge with new motives and added obligations to rectitude of life. However humble and unambitious his fortune or name, he goes forth with confidence. If he is "just and true," that confidence is never deceived. The fidelity of Masonry is universal, he shall not be forsaken. To whatever clime he wanders it is still the same, the language of Masonry is universal, he shall be recognized as a *brother*. No matter how adverse his fate, the charity of Masonry is universal, if worthy, he shall be relieved. Shall I be told that these are the fanciful theories of a creed that wastes itself in idle boast and empty show? Was the immortal Warren, the fated martyr of Bunker Hill, the patron of hypocritical profession! Could the mighty soul of Washington stoop to hypocrisy, or be delighted with idle pageantry! Could the philosophic Franklin, who encountered the tempest and disarmed it of its bolt, be pleased or satisfied with boastful pretensions and ceremonious frivolity! Surely there is no American so base, as will not answer no. Yet Washington, Franklin, and Warren, bore their united testimony in our favor, by both profession and practice, while they lived. These three undying names, while they confer immortal renown upon the American character, shed also a halo of glory round the altar of Masonry, where they were often pleased as Grand Masters to preside. These things I have thought it my duty to say of a society of which many of your friends are members, not as a formal defense, but that Masonry

may be judged by what she truly is, and not by ignorant assertion, or malicious conjecture.

Permit me now, my brethren, in a few words, to solicit your attention to some of the prominent duties which our principles teach, and our penalties enforce. You have come together for the avowed purpose of offering your public testimonial to the virtues of one whose life, in our Masonic instruction, is constantly held forth as a model for every Mason's imitation. Temperance, that Masonic virtue so often neglected, and so solemnly impressed upon us in our lectures, was the most striking feature in the character of John the Baptist. Seeing, with prophetic vision, the important station he was to occupy in accomplishing the designs of his Master, he possessed a moral courage that raised him to an elevation of soul equal to the task. He appeared in the world among a people adverse in their habits to the abstinent, self-denying life he lived. The long and well-established reign of Polytheism brought the united religions of Rome, and all her tributary states, to oppose the peculiar doctrines he was commissioned to usher into the world. Rome herself, at this period, was rapidly marching to the full maturity of national sin. The laurels that bloomed round the tombs of her early heroes, were forgotten for the inhuman sports of gladiators and frivolous public shows. Her triumphal arches began to droop, and the stern integrity which characterized her early days had now expired in the sensual delights of the bath. Yet, in the midst of these allurements to luxury, his food was locusts and

wild honey. Surrounded with obstinate bigotry, at the peril of his life, he marched with steady and fearless step, to the fulfillment of his masters' will, and when the arm of power was outstretched for his destruction, he boldly proclaimed the wickedness of Herod, and foretold, in the startled ear of the tyrant, the coming vengeance of God. Chains and imprisonment had no terrors for him; for integrity of heart brought unconquerable fortitude to his aid; and when his work was finished, disdaining that sycophantic spirit that might suggest a compromise with his oppressor, with dauntless confidence he met the blow, and like one of the Grand Masters of our Order, he sealed his fidelity with his blood. Had I the tongue of angels, still in this mirror you shall see more than words could possibly portray. Yet once more, my brethren, in the pure spirit of brotherly love, let me solicit your attention to that *temperance* so conspicuous in the character of this holy man, that it is the first feature his biographer has sketched. No vice within our observation has so much degraded the character of Masonry, none has made such wide-spread ravage in the world, as the odious sin of intemperance; it carries its annual thousands to an untimely grave, and an unprepared reckoning with their final Judge. What renders it fearful beyond most evil habits, is the strange insensibility with which it invests its unhappy votary. The miserable victim of confirmed intemperance is cursed with a fatuity unassailable by reason or admonition. He deliberately prepares himself for the sacrifice, binds himself to the altar,

and himself applies the fatal instrument of immolation. At this awful period, every vice follows in its train, reason is bewildered, conscience is benumbed, the heart debased, and the noblest work of God sinks below the level of a brute. This fatal habit is often, nay, it is usually the offspring of idleness and inattention to the business of our proper vocation, and that too frequently, in the season of youth. Strange, unaccountable stupidity! At that happy period when the intellectual powers are expanding, and the entire character beginning to assume a permanent form—in that delightful season of improvement, emulation, and hope—how many waste the precious years without one vigorous effort in any useful or valuable pursuit! Such take their downward course in life, barren of knowledge or virtuous habits, through a bleak and comfortless region of care, decrepitude, and sorrow. Thus a whole lifetime is often passed over, thoughtful only of the present hour, till the brink of the yawning gulf is seen; but then it is too late to retreat from the danger; and an age of careless, thoughtless inactivity is closed by a few hours of gloomy anxiety—of intense, ineffable horror. This is not the fiction of imagination; it has been often realized and seen among us, where last of all it should be looked for, within the circle of Masonry. Nothing, I repeat it, has contributed so much to strengthen the common prejudice against Masonry, and impair its usefulness in the world, as the disorderly and vicious lives of

some of its members. Wherever such are found among us, it is our first duty to apply all the correctives our principles afford; to whisper wholesome counsel into the ear; and, by every means in our power, impress truth upon the heart.

If all these fail to revive the dying spark of virtue — to ourselves and the world we owe the solemn duty — they must be cast out from among us. Such can only serve to create discord in the temple, and impede the labors of the true and worthy Mason. When we reflect on the many bland and beautiful persuasives to virtue which our ceremonies exhibit, and which our lectures unceasingly teach; when we superadd to these those guards which furnish resistance to every approach of vice, it may fairly be assumed that none but a disposition fatally determined to wickedness could resist their conjoined impressions. But if, in despite of all endeavor, a brother continue incorrigible, "cut him down, why cumbereth he the ground!"

When we shall have thus discharged our duty, Masonry shall arise and put on her beautiful garments; her doors then shall be thrown wide for the reception of the wise and faithful in heart of all the tribes and kindred of the earth, and be closed against the wicked, the faithless, and unworthy. Then may we confidently expect our reward. We shall have the gratitude of the destitute, whom we have cheered and fed; the prayers of the wayward, whom we have reclaimed; the benedictions of the

good of all the world, and the smiles of an approving conscience, that

> "Which nothing earthly gives or can destroy,
> The soul's calm sunshine and the heart-felt joy."

There are a few present whom I recognize as worthy Knights, who have sat in council, and convened in the Asylum. *We* should never forget this truth; as we ascend in the mysteries of the Order, so in proportion are our obligations increased and the sphere of our action enlarged. That unbounded hospitality that greets and cheers the way-worn pilgrim of this world with pure benevolence, unsolicited and unbought; that courage and constancy which tread with untiring step the rugged road of virtue, and subdue each rising obstacle in their way; that humility and patience which melt away the natural asperities of our imperfect nature, and endure without a murmur the "thousand ills of life;" that truth which is mighty above all things, which shall flourish in immortal green, when the heavens "shall depart as a scroll," these are the God-like attributes of your profession. The history of your Order though gloomy, nevertheless presents a grand exhibition of human nature. The sensation we feel in tracing it to its origin, though elevated and delightful, will still at times be tinged with melancholy reflection, rendered sublime, however, by the magnificence of the objects constantly in view.

The hardy spirits who founded your Order and lighted up the sacred asylum in Palestine, were fired

with zeal that no human effort could resist. They had visited that land consecrated by the advent of the Messiah. They stood upon the shores of Jordan that had seen the descent of the Baptismal dove. They sat down and sorrowed upon those hills of Judea that had trembled at the miracles of a God. They saw with bitterness of heart the pious pilgrim spurned, robbed, murdered by the ruthless Turk. They beheld the stupid Mussulman exert a withering despotism over the inheritance of Jacob. They saw the mosque and minaret tower in impious grandeur over the tomb of Christ, and the chosen habitation of Israel seemed to them cursed on account of the infidel possessor. The burning sun and the barren fig-tree of holy writ were still there; riven rocks and half-open sepulchers still announced the prodigies of the crucifixion; but dried up rivers, scorched and barren fields spoke to them the course of Heaven, and there the desert stretched out its burning arms in mute desolation, as if it had not dared to break the dead silence, since the "Eternal uttered his voice."

It was amid these grand and gloomy scenes, that the founders of your Order called the council, and assembled round the triangle. Charity and hospitality were their objects—a charity that stooped to the unfortunate, that sought after the miserable, that raised the bowed down, that clothed and fed the naked, famishing pilgrim, journeying under the fervid heat of a Syrian sun, to die at the Redeemer's shrine. These were the original characteristics of

Knighthood, and though the scene of action is now changed, such are still its high and holy professions. To this high-toned moral feeling, we are pledged by sacred obligation to conform our practice among men and with each other. 'T is for ourselves to determine whether we shall profess principles which exalt and sublimate the soul above the sordid selfishness of groveling mortality, and at the same time, cling to those vices that degrade, chill and brutalize all the generous aspirings of the heart. Surely it will not, can not be; honor, conscience, and truth, "mighty above all things," forbid it.

Lastly, my brethren, of every order and degree. If the duties of Masonry are of universal obligation, if they admit of no exception, if they are to be performed by the Mason of every country, under circumstances however adverse, with what alacrity should we (who are cradled in liberty, and nursed in the lap of peace) go on to fulfill its benignant commands. How enviable, this day, is the lot of the American Mason, compared with the destiny of his brethren in other regions of the earth! Here the Masonic lodge rears its humble columns in our cities, cottages, and towns, fearless of danger from without, or treachery within its walls. When we go abroad on our festive days, the unseen arm of our happy government protects us from insult or opposition. The "Star and stripe," the consecrated banner of freedom, is proud to wave its protecting folds over the lambskin of Masonry. But avert your eye for a moment from this "green and sunny spot," throw

your anxious glance over Russia, Austria, and Spain. Where is the humble Mason in these dreary realms to-day? Roused by the natal morning of his patron saint, does he repair with crowds of his brethren to the social lodge? No. With fearful step he steals silently from the busy haunts of men, and with a faithful few ascends the mountain-top, or retires to the darkest recess of some sequestered vale. If the ever-vigilant eye of oppression pursue him there, a lingering death, "pangs that longest rack and latest kill," must be his fate; or exiled from home, he must seek in other lands a refuge from the grave:

> "Nor wife nor children more shall he behold,
> Nor friends, nor sacred home."

How often have we hailed on these happy shores, a Russian brother from the far Borysthenes, or from the banks of Guadalquiver, the Iberian exile, and heard them lisp in stranger accents, the sad story of their wrongs. From these we hear that Masonry, emphatically peaceful and unoffending, is proscribed by the half-civilized "Autocrat of all the Russias." There a jealous tyrant exerts his unceasing persecution, with every means which ingenuity, sharpened by malice, can invent, and with cruelty limited only by absolute power. In Spain too, once the proud land of chivalry, the same misguided policy haunts every step of the *Order*. The stupid Ferdinand (whose regal honors serve only to degrade the fame of the once powerful Castilian house) dooms our temples to the flames, and for inculcating

"charity toward all mankind," the Christian Mason dies upon the rack. Fell tyrant! insatiate monster! gorge thy ravening appetite with the harmless Mason's blood. Well hast thou waged exterminating war upon the brethren of him whose arm hurled the first fatal bolt at the throne of tyrants. It was the spirit and example of our Washington, that rolled the retributive fires of revolution through thy affrighted dominions. But thy carnival shall be brief. The Architect of worlds has circumscribed the two Americas, and said, "here shall there be liberty and peace." Six fair republics, wrested from thy ruthless dominion, announce that retributive justice is nigh thee; the handwriting is seen upon thy walls; the genius of desolation flaps her wing over thy palaces of pride, and expects her prey.

Before I take leave of you, my brethren, let me again remind you of the vast debt of gratitude you owe to the Almighty disposer of human events, for that you have been permitted to pass the journey of life in this land and this age of the world. While the cloud of despotism throws its dun and troubled midnight over three quarters of the world, here we repose under the tranquil bowers of peace; while the blended beams of improved science, rational liberty and pure religion throw their cheerful radiance around. May we not justly exclaim with Israel of old, "the Lord hath brought us forth out of Egypt, with a mighty hand, and an outstretched arm; he hath brought us unto this place, and hath given us this land?" But, if we believe our Masonic instruction,

we shall not indulge the gloomy conviction that *our* happy destiny shall always remain exclusive. Masonry teaches us that man is capable of endless improvement in knowledge, and all the arts that adorn and glorify human existence. That progression is evidently quickening its pace throughout the world, with each revolving year. The signs of the times can not be misunderstood. The onward tread of science and civil liberty can not, will not be stayed; it is the progress of man to that state designed and decreed by Heaven; it is the march of mind—what power shall withstand it? It may pause for awhile, in the midst of some violent shock, but it will resume its progress with still stronger and steadier step, till ignorance and subjection let go their hold upon every slave, and the scepter fall powerless from the grasp of the last tyrant upon earth. Then shall that period arrive so long expected and so ardently prayed for. It shall then no longer be necessary to the existence of governments to consecrate the names and vices of kings; but human happiness shall be the basis of all political association, and enlightened reason insure a cheerful acquiescence in necessary municipal rule. Then shall the eastern Indian cease to adore the sun; the northern savage no longer shall seek his deity in the genius of darkness and storm; the Hindoo shall forget to bow before Juggernaut, and the Abyssinian no more shall pour out his libation to the genius of the Nile, but the enlightened devotions of a world shall ascend to the true God. Then shall the "cap-stone"

to the temple of human happiness "be brought forth with shouting and praise."

In this great consummation, human means must be employed; ours, therefore, is not the part of inaction and sloth; we are not to be indulged in folded hands, and quiet sleep. However humble the effort, still that effort must be made—duty requires it, and her injunctions will not be disobeyed with impunity. If but one stone be prepared by each, it will contribute to the building, and rest assured, *the laborer shall receive his reward.* Let us then grasp the *plumb* in one hand, and see that we *stand erect before God and man,* while with the *mystic trowel* in the other, we spread everywhere the *cement of brotherly love.* Then, when we shall all be *leveled* by death, and *tyled* in the grand lodge of eternity; when the "*pass-word*" shall be demanded for the last time, we may approach with some humble confidence, and say, (in the language of the pious sacrifices of the first-fruits,) "I have brought away the hallowed things out of mine house and have given them to the Levite and the stranger, unto the *fatherless* and *the widow,* according to all the commandments which thou hast commanded me, I have not transgressed thy commandments, neither have I forgotten them."

ON THE PUBLIC DEPOSITS.

[In the House of Representatives of the United States, Friday, April 4th, 1834. The order of the day, for the first hour, was the consideration of the Resolution of Mr. Marsden, of Alabama, proposing that the public deposits should remain in the State Banks; but that Congress should have the selection and regulation of the banks in which they are to be placed. On this subject, Mr. Corwin had the floor, and addressed the House until the expiration of the hour. On the next Friday (the 11th), the same question coming up as the unfinished business of the first hour, he resumed and continued to the expiration of the hour; and on the following morning he concluded his remarks.]

Mr. Speaker:

I feel sensibly the very awkward and embarrassing relations that have subsisted between speakers and their audience in this House, during the last six weeks of this important and protracted discussion. He who has, at any time, been so fortunate as to obtain the floor, sees that he occupies a position which many others around him have sought with unavailing effect. Those around him, on the other hand, feel as if they had been deprived by another of a right which they all possess in common with him, while the daily threat of the majority to silence debate, by a call of the previous question, gives just cause to fear that the right of themselves, and those they represent, to be heard in this House, on subjects affecting deeply their interests, will be finally denied them.

I can not say, with the honorable gentleman from New Jersey [Mr. Dickerson], that I have been instructed to speak on this subject; yet I can assure the House that its manifest impatience of further discussion would induce me still to observe a silence which I have rigidly maintained for nearly three sessions of Congress, did I not feel myself impelled to a different course by obligations which I can no longer disregard. My judgment does not approve, nor do my feelings participate in, that anxiety which has been expressed to bring this discussion to a close. It should not be matter of surprise to any one, that this subject has for three months engrossed the attention of Congress, to the exclusion of almost every other. Its magnitude should exclude all precipitation when it is approached, and admonish us to delay and ponder well before we decide. It involves great principles, which all must see lie deep in the foundations of our political organization; it ranges over a vast field of constitutional law; it comprehends many of the most interesting rights of the citizen—rights which, until now, have always been supposed to be included within the unquestioned legislative powers of Congress.

When we reflect that everything valuable to civil liberty, all those maxims of good government which are so happily combined in our written Constitutions, have been purchased at the expense of blood and revolutionary strife, or wrought out into their present shape through long ages of trial and painful experience, common prudence should suggest great delib-

eration in any attempt to destroy or re-adjust their established order. It should not be expected that the dearest rights of the citizen, and the most important duties and powers of the legislator, are to be discussed here with that sort of inconsiderate haste which may be tolerated in matters of small or temporary concernment, but which true wisdom never indulges when we are dealing with those great interests which come to us by inheritance from the past, which are the birthright of the present, and the best hope of future generations.

I am sure I do not overrate the importance of this discussion. The deep excitement felt here, in minds habitually cool, temperate, and even phlegmatic, proves that I do not. The excitation of the public mind proves to you that I do not magnify its importance. Do we want proofs of this? Look abroad over this wide continent. Three months ago it was seen agitating the surface like the tremulous premonitions of the coming earthquake; now it is rocking society to its foundations. The heavings of this fearful convulsion have torn from their accustomed walks and natural positions, and precipitated into one mass, in a neighboring city, forty thousand of our citizens, each calling upon the other for counsel and co-operation. From the populous cities on your Atlantic frontier, where the first ripple of discontent was seen, the wave has swollen until it burst like a deluge over the mountains, carrying discontent and alarm through the peaceful valleys of the great west, inhabited by the most patient, temperate, and quiet

population anywhere to be found on the face of the earth. Ominous as this excitement may appear to some, I can not regret its existence. Though the storm that lowers upon our hitherto unclouded horizon be dark, I feel an assured confidence that its thunders, when they do burst, will roll to save, not to destroy. It gives cheering proof that the spirit of our fathers, that "augured misgovernment at a distance, and snuffed the approach of tyranny in every tainted gale," is not extinguished in the bosoms of their sons.

In the notice I shall take of the causes that have produced such striking and interesting effects, I do not intend to fatigue the patience of gentlemen by any examination of the great elementary and constitutional principles which belong to this subject. These I shall consider as settled. Others, to whom I have listened with feelings of pride and delight which I can not soon forget, have left upon this part of the canvass their own bright and indelible impressions of reason and truth—impressions which any touch from my unpracticed hand could not illustrate; but, on the contrary, would most certainly obscure, if not efface.

That which I propose to consider somewhat minutely, relates to a few simple propositions of law, arising out of the provisions of the act of 1816. These are subjects in themselves of narrow dimensions, and to most minds of dry and uninteresting character. Cold and repulsive, however, as the subjects may be, it is from them, and out of them, that

a public agent of Congress has endeavored to extract a power so large and so pervading that its colossal form meets and blocks up the way of Congress, in whatever part of our allotted sphere we attempt to move. This spectral image of despotism, let it be remembered, rises from the tomb of the Bank of the United States. The same scepter, with one blow of which he levelled the bank in the dust, is at this moment stretched out to bar the approaches of Congress, either to the grave of his late victim, or to the treasury of the people, on which he has seized as his lawful prey.

The resolution on your table, which is the immediate subject of discussion, proposes a total, radical change, or rather subversion, of our whole system of finance. That change, it will occur to all, can not be effected unless Congress shall give its approval to the argument of the Secretary of the Treasury, giving his reasons for taking the first, and, as I fear, fatal, step in this new and untried experiment. That argument, it is contended, furnishes a legal justification to the Secretary for proceeding, at the will and under the direction of the President, to dismiss the Bank of the United States from our service as an agent to collect and disburse the revenue, and to withhold from it that revenue which, by law, was ordered to be deposited with the bank for safe keeping. After a careful, and, as I believe, unbiased attention to all that has been urged to sustain this proposition, I can not yield to it the assent of my understanding.

A very cursory view of the groundwork of this discussion will disclose the necessity, in the first place, of a careful examination of the powers and duties of the Secretary of the Treasury, under the Constitution and general laws relating to that department. In settling the character, origin, and responsibilities of that officer, is developed that radical difference of political faith and practice which divides the two parties in this House, and, in my judgment, constitutes the most striking feature of this discussion.

On one side are arrayed the friends of "executive power." They contend that your Secretary of the Treasury is the mere offspring of executive will, and is the agent and instrument of the President; that he sustains this character, not only in the general duties assigned to him by law, but that such is his character in the relations between him and the bank; that the discretion vested in the Secretary, by the sixteenth section of the bank charter, to withhold from that institution "the public deposits, giving his reasons to Congress for so doing," is not his discretion, but that he must act in obedience to the discretion, will, and judgment of the President, in this as well as every other duty assigned him by law; that he is responsible to the President only, and not to Congress, for the faithful execution of duties imposed on him by Congress. In short, they invest the President with all the attributes and powers of a superintending providence over all the concerns of the Government. It is not surprising, after having

found in our Constitution such a divinity, that those who worship at his shrine should hold all inferior beings (as all must be so) responsible to him, and him only, for their conduct. While they give to the President all the powers and attributes of a god, they withhold both from the Secretary, till they make him much less than man. They admit the law has said that the deposits of the public moneys shall be made in the Bank of the United States, "unless the Secretary of the Treasury shall otherwise order and direct;" in which last case, he is to lay before Congress his reasons for such order and direction. Yet, they contend that, while it is the duty of the Secretary to do all these things, he can in none of them exercise his own faculties; he is to see through the President's eyes, reason through and by the President's understanding, decide by the President's will, and execute with the President's power. In other words, he is to be responsible without discretion, to reason without judgment, decide without will, and execute without power.

On the other side of this question are to be found those who contend for the "power of the people," through their representatives, over the money of the people. We maintain that, in all things pertaining to the collection, safe-keeping, and disbursement of their taxes, which Congress, by the Constitution, has the exclusive power "to lay and collect," and which can only be paid out, when collected, by act of Congress, the Secretary receives his power to act from Congress, is the agent of Congress, and is

responsible to Congress for the faithful execution of those powers intrusted to him by Congress.

No one who has attended to the arguments in this House, and read the volumes of reports and executive documents sent here to enlighten us, can deny that I have stated truly the grounds assumed, in and out of Congress, by the conflicting parties on this subject. The very statement of the case is itself the best argument to show that gentlemen on the other side can not maintain the position they have assumed. Unless there be some reason hidden below the surface as yet, of all this discussion, which has, unperceived by all, wrought a mysterious conviction on the minds of gentlemen, there can be no difficulty in coming to a right decision of this question. I am fortified in this belief by the contradictory propositions assumed and defended in the report made to us by the committee of Ways and Means.

That committee, selected by the Chair for its financial abilities, and not by presumption, nor always in fact, the ablest expounders of the Constitution, has, with great care, presented the House with a very elaborate view of the relative powers of Congress, and the President, and the Secretary of the Treasury, under the Constitution.

It sets out with the assertion that the power to select the place of deposit, and the person or persons who shall have the custody of the public moneys, always did, and does now, belong to the head of the Treasury, under the supervision and control of the Executive. The process of the argument is this:

It is alleged (in the report alluded to) that this power, under the old confederation, was considered an executive power, and as such was exerted by Congress; that, when the confederation gave place to the Constitution, "all executive power" (this being one) was transferred by the Constitution to the President, where, under that instrument, it still remains. The committee, with a degree of industry much more commendable than the discrimination by which it seems to have been guided, in order to show the usage of former times to be conformable to their doctrines, have brought forward a variety of historical proofs and references. Mr. Speaker, it is no necessary part of my duty or purpose to controvert this position. However strange it may appear, the Committee have either abandoned or completely refuted it themselves, in the same report, where, with so much labor, they asserted and endeavored to establish it. Neither am I bound to account for these candid inconsistencies. Perhaps the committee may have thought it a kind of incumbent duty to maintain the dignity and honor of the Executive against the charge of usurpation. Having, however, discharged that duty, to which they felt themselves forced by the violent impulses of the occasion, with most amiable partiality for Constitutional truth and sound political philosophy, they abandoned this ground, and now assert the power of Congress, under the Constitution, to have been always (up to 1816,) complete over the public moneys, and acknowledge themselves at a loss to find any good reason why the Congress

of 1816 should then have transferred it to other hands. I beg leave to refer gentlemen who have not looked critically at this report, to one or two paragraphs on the fifth page. From these it will be seen I have quoted them truly, and given to their language their own interpretation.

In giving construction to the sixteenth section of the bank charter, passed by Congress in 1816, the committee say: "The effect of the sixteenth section of the bank charter is to take from Congress entirely the power to control the public deposits, which that body before possessed." Again, on the same page, they say: "Whether the Congress acted wisely in thus divesting themselves of all control over the places of public deposit of the public moneys, for the long period of twenty years, is a question which it is unnecessary to determine." These quotations prove (if language is any sign of ideas) that the committee considered it undeniable truth, that, in 1816, Congress, by the Constitution, did possess legislative power over this subject, and that they divested themselves of that power by the act of 1816. In the first pages of their report, however, they have bestowed much labor to prove that Congress never did possess this power; that, by the Constitution, it was confided to the President as the head of the Executive department, this being one of the executive powers which, by the adoption of the Constitution, was, among others, transferred to that officer.

Let us pause at this point for a moment, while we examine the consequences, I can not say absurdities,

(for that word, though one of "exceedingly good command" in our language, is not parliamentary,) which flow from the various positions maintained, and most of them in turn abandoned or refuted, in the committee's report. First, it is asserted that the power over the deposits of the public moneys by the Constitution (being an executive power) belongs to the President, who is to exercise it through his agent, the Secretary of the Treasury. It follows that this power, if given to the President, could not be exercised or controlled by Congress, unless the Constitution should be so changed as to give them such control, yet, in the succeeding pages of this same report, the committee find Congress in lawful possession of this power, but, as they insist, taking it away from themselves, and giving it to the Secretary of the Treasury, in the year 1816. If the first position be true, the second is certainly unfounded. Again, if the committee be right in the position that Congress in 1816, did possess complete control over the person who should keep, and the place where the public moneys should be kept, and if this power was given them by the Constitution, could Congress, at its pleasure, change the Constitution, and transfer that power to another? The committee seem to think they could. When the committee speak of Congress "divesting" itself of a power held under the Constitution, I can only understand them by supposing they take it for granted that Congress, at its pleasure, can, by law, transfer power from one branch of the Federal Government to another. This

doctrine, sir, is new to me; nor do I believe it has, as yet, obtained a very general credit with American statesmen.

To this family of incongruities permit me, before I take my leave of them, to introduce a kindred fallacy of the Secretary of the Treasury. It will be found in what he calls his "reasons" for withholding the public moneys from the Bank of the United States. It is this: he (the Secretary) asserts that the act of 1816, creating the bank, is unconstitutional. If so, it is inoperative, and can confer no rights upon the bank—no powers upon any one. It leaves every subject it touches as though no law had been attempted to be enacted. Yet the Secretary himself, and the committee, in their report, claim that this same act gives power to the Secretary of the Treasury to lay his hand upon the whole revenues of this nation, and transfer them to persons, and deposit them in places, not authorized or designated by law. Reason and law would tell us that if, as the committee argue, Congress rightfully possessed this power in 1816, and if, as the committee and Secretary both agree, the attempt to vest it elsewhere resulted in passing an act unconstitutional, and therefore void, then the power remained where it was—that is to say, in Congress, and not in the Secretary or the President; and the question may well be asked, by what law does the Secretary claim to possess himself of this high and transcendent power? Mr. Speaker, when I look at this ludicrous jumble of contradictions, and remember that they

are the joint product of the well-known, talented, and accomplished mind of the Secretary of the Treasury, and the not less richly-endowed intellect of the honorable chairman of the "Ways and Means," I see and acknowledge, in thankfulness of heart, the operation of one of those laws which Infinite Wisdom has established for the government of the mind of man. Reason is given by God to man, to guide him with certainty in the way of truth. That way is always straight; it is plain and bright with the lights that ever burn around and along its borders. The path of error and sophistry is in the wilderness. Their course is mazy, devious, and shrouded in darkness. Whenever bias or passion, therefore, perverts the understanding from the uses to which it was ordained by him who gave it, as a penalty for its abuse, the wisdom of the wisest becomes folly; and, that it may deceive no one, is involved in difficulties and contradictions, and ends in discomfiture and defeat. We have before us a case where this great moral truth is most strikingly exemplified. The Secretary of the Treasury, aided by the labors of the committee of "Ways and Means," with great toil and care, erects a costly, and magnificent, and heathenish anti-republican temple. They cover its walls all over with inscriptions of monarchical dogmas and barbaric phrases, alien to the dialects of democracy, and not written in the republican "books of the law" delivered to us by our fathers. With equal toil and pains they then construct a monstrous Juggernaut, and engrave upon his frontlet

the magic words, "Executive Power." Him they enshrine with all the pomp of heathen idolatry. This done, they point to their idol, and command us to "fall down and worship." Suddenly, however, the scene changes. While we stand wrapped in amazement at the vast dimensions of the structure, the builders of it themselves, impelled by a law of their nature, assault it with violence, and in a twinkling all is gone. The gorgeous temple, huge divinity, and costly shrine are leveled together in the dust.

I dismiss this topic. Its singular character has, I find, tempted me to pursue it much further than I had intended. I take it for granted, then, that we have established, by the admissions of the devotees of executive power themselves, that all power over the money of the people belongs to the people, through their representatives in Congress; that it belongs immediately to Congress, who alone have power to "lay and collect taxes."

It follows, as a necessary consequence, that whatever act the Secretary of the Treasury may do touching those "taxes," he must do it by virtue of some power derived from Congress. It follows, with equal certainty, that, being the agent of Congress, he is responsible to Congress, from whom he receives his power, for its faithful and intelligent execution.

Let us now turn to the commission given by Congress to the Secretary, touching the public moneys. It will be found in the 16th section of the bank charter of 1816, in these words: "The deposits of the moneys of the United States, in places in which

the said bank and branches thereof may be established, shall be made in the said bank or branches thereof, unless the Secretary of the Treasury shall at any time otherwise order and direct; in which case the Secretary of the Treasury shall immediately lay before Congress, if in session, and if not, immediately after the commencement of the next session, the reasons of such order and direction." No one can doubt the character or object of the power here given. It is, in its character, a trust or discretionary power. Its objects were, first, the safety of the public treasure; secondly, it was intended to compel the bank to a faithful performance of its promise, to transmit without charge the moneys of the government to the places where they were required to be disbursed. If the bank should fail in either of these stipulations, Congress intended that the Secretary should have the power to find immediately other places of deposit, and other disbursing agents. To enable the Secretary to discharge the delicate trust thus reposed in him, Congress provides, in the same law, "that the officer at the head of the Treasury department of the United States shall be furnished, from time to time, as often as he may require, not exceeding once a week, with statements of the amount of the capital stock of the said corporation, and of the debts due to the same; of the moneys deposited therein; of the notes in circulation; and of the specie in hand; and shall have a right to inspect such general accounts on the books of the bank as shall relate to the said statement: Provided, that

this shall not be construed to imply a right of inspecting the account of any private individual or individuals with the bank."

The last paragraph of this act contains an answer to every reason urged by the Secretary for removing the deposits from the Bank of the United States. It shows to what objects Congress designed to confine the power given to that officer over the public funds. All that the Secretary can know, from what the bank is bound to disclose to him in the weekly statement required to be furnished, relates to the solvency of the bank. It was intended to furnish the Secretary in this way, with the means of executing the power given him, to protect the safety of the people's money. It will be observed that the Secretary is, in express words, denied the right to look into the "private accounts of individuals." With what pretense of plausibility can it be contended, as it has been by the Secretary and President too, that improper accounts between the bank and certain printers, which can only be known by examining the "private accounts," form a reason or answer for the exercise of this power? The construction contended for by those who defend the Executive, would make the Congress of 1816 confer, by law, large powers on their agent; and, in the same law, expressly deny him the power to ascertain those facts upon which alone he would be justified in using the power conferred. That Congress never intended to extend the power of the Secretary over the vast field of inquiry which, in the all-grasping spirit of the executive government, he has

appropriated, is also evident, from the powers over the bank, reserved to Congress, compared with those given and denied to the Secretary, to which last I have just adverted. By the 23d section of the charter, it is provided "that it shall at all times be lawful for a committee of either House of Congress, appointed for that purpose, to inspect the books and to examine into the proceedings of the corporation hereby created, and to report whether the provisions of this charter have been, by the same, violated or not." It then goes on to provide (in the event of a report by the committee of a violation of the charter) that a *scire facias* shall issue from the circuit court of the United states, calling on the bank to show cause, etc. A jury of the country, sworn and impanneled to try the cause, would then be the tribunal to which the subject would be referred for decision. But this good old usage of our fathers did not comport with that scheme of compendious confiscation which had been resolved on.

We have here, on the face of the law, the duties and powers required to be done and exercised by the Secretary, and the subjects of inquiry which Congress reserved to itself, and the courts and juries of the country. But the Secretary, with this law before him, backed or pushed forward by the President, takes all the powers of Congress and the courts into his own hand, and gravely tells Congress that, by the law I have just quoted, he (whenever, in his opinion, "the public good or convenience required it,") could dismiss the bank as a depository of the public money,

and dissolve all connection of the Government with that institution. In effect, he assumes, with a boldness unparalleled in any officer in a country of laws, to exercise executive, legislative and judicial powers; to forfeit charters, held under the pledged faith of the nation; to seize upon rights guaranteed by all the solemnities of legislative enactment, and fortified by all the strength of legislative power.

Let us examine this modest assumption of the Secretary by another test. He insists that his power to dissolve all connection with the United States Bank is unlimited, except "by his own discretion." If, then, in his opinion, the bank was dangerous as a monopoly (for this is much insisted on); if it did not furnish a good currency; if State banks would be, in his opinion, more safe or convenient depositories of the public moneys; if the tendencies of the institution, in his or the President's opinion, would be unfriendly to the morals of the people; then, in either of these cases, the Secretary of the Treasury could, of his own proper authority, under the act of 1816, as to all public purposes, repeal the law itself. Sir, is this to be tolerated? Were the men who composed the Congress of 1816 such miserable drivelers as this interpretation of their acts would make them? What object had they in view, in erecting the United States Bank? Is any American citizen, who can read, so ignorant as not to know them? The Government had lost by State banks about fourteen hundred thousand dollars. It determined to create a bank, as a place of safe-keeping of the people's

money, which it could examine into and control, in order to prevent future loss. The arguments for and against this institution were heard for three years in this hall, prior to the final passage of the bank charter—its dangerous tendencies as a moneyed monopoly; its power over the politics of the country; the effect it would have on currency, trade and exchange; all were debated with zeal and ability, which would have illustrated the history of any deliberative body that ever yet assembled anywhere upon earth. These various points of policy were all settled by Congress, the only power in a representative government which can take cognizance of such subjects. The act was passed; it received the President's approval; it became a law, for twenty years. Now, the President and Secretary assert that this same Congress, by a clause in this same act, authorized the Secretary of the Treasury to sit down and examine whether Congress had acted wisely or not; whether a bank was a dangerous engine against liberty; whether it would or would not be likely to exert a beneficial and wholesome influence upon trade and domestic or foreign exchange. If, on reflection, he should be of opinion that the public treasure could be more securely kept and transmitted from place to place by the State banks; or if he, in any of these particulars, relating to public policy, should differ with both branches of Congress and the President, he (the Secretary) should in that case repeal the law. Yes, sir, repeal the law. For the whole object of the bank charter was to make the bank created by it an agent of the Government.

To give the Secretary a power to destroy that agency, for any reason of a moral or political character, was, in substance, giving him a power to repeal and annul the whole law. Courtesy forbids me the use of terms proper to convey my ideas of such miserable inconsistency as this. This course of argument makes the Congress of the United States, after years of anxious labor, on a subject of vital interest to the nation, throw together, in the shape of law, not a well-ordered system of finance, reaching, as all systems worth anything must do, forward with certain and steady operation into the future; no, instead of this, you make them heap together a disjointed jumble of crude conceptions and self-evident contradictions; and then, in impotent despair, call upon the wisdom, and virtue, and skill of a Secretary of the Treasury to review their policy, and make or destroy their law at his pleasure. And this is called republican doctrine. This is modern democracy! This is said to be the way of keeping power in the hands of the people, "the many," and denying sovereign sway to the few, or to one.

Let us now turn to that view of the subject which regards the various provisions of the bank charter in the light of a contract.

I am sure it needs no argument to prove to this House that a law which confers upon one or more persons certain rights, and imposes on them certain duties to be performed, on the faith of which such persons invest their money, is, in its terms and nature, a compact. As such, for the term of its

duration, all power given under it is irrevocable; as a law, it is not capable of repeal; as a contract, except in the mode pointed out by its provisions, it is indissoluble.

The bank charter of 1816 proposes to all who would subscribe stock under its provisions, that they should possess the corporate powers specified in that act for the full term of twenty years. The stockholders, on their part, agree to pay to the United States a bonus of one million and a half of dollars; to receive and keep safe, at their own risk, the revenues of the Government; to transmit at their own risk, and without charge, the moneys of the Government to any point required for disbursement. In consideration of these arduous and responsible duties, and the payment of the bonus, the Government agrees, on its part, that the stockholders shall have the right to issue their notes, which shall be received in payment of all public dues, unless Congress shall otherwise direct by law. The bank shall have the benefit of the deposit of the public moneys during the term of twenty years, unless the Secretary of the Treasury shall otherwise order and direct, for reasons which shall be approved (as I construe the law) by both branches of Congress. These are, in substance, the mutual solemn engagements between the Government of the United States and the stockholders of the United States Bank. I think it has been satisfactorily shown that the only reasons upon which the Secretary could remove the public moneys from the bank are, first, that they were unsafe in its

custody; or, secondly, that the bank had failed or refused to transmit and pay them over as required by law. It is not pretended that our revenues are in danger of being lost by the insolvency of the bank, nor am I aware that it has been suggested in debate that the bank has been delinquent in its engagements to transmit and pay them over at any point where the Government has had occasion to disburse them. The withdrawal from the bank of the deposits has, then, been made without any cause such as was contemplated by the charter, and, consequently, in violation of the contract between the Government and the stockholders of the bank. What is the position we occupy in the face of our country and the world? We have pledged the faith and honor of the nation; upon which pledge twenty-eight millions of money have been invested in a bank in which we are parties. Without any reason applicable to our contract, we have wantonly violated one of its vital and most essential stipulations. Fully sensible of the degrading and loathsome character of the act we are considering, when viewed as a violation of contract, the sensitive and generous mind of the gentleman from Georgia, [Mr. Gilmer,] as also that of his colleague, [Mr. Schley,] have labored to rid the charter of all the attributes of a compact. They seem to suppose it absurd to imagine that a contract could be made binding in this instance, because one of the parties is a "corporation." Many of their remarks on this part of the subject resolve themselves into those quaint definitions of

the qualities and faculties of a corporation in the old law books that treat of these subjects. Among other things it is said, that a corporation has no soul. Sir, there is black-letter authority enough for that. But the gentleman should have done justice to the ancient luminaries of the law, and told, further, that they only intended to say that a corporation, as such, could not commit a crime, and in its corporate capacity could not be punished as a criminal. Will gentlemen contend from this that no binding contract can be made with any number of persons who are thus incorporated? Does it follow that the various individuals who compose this artificial person without a soul, can, in its corporate character, have no civil rights? This course of argument would seem to affirm that a great nation, a proud republic, could pledge its faith to the performance of certain acts to a corporation which itself had created, and in good faith, without tarnishing its honor, at any time, refuse to redeem its pledge, and allege, as a justification, the ready plea, "you are a corporation—you have no soul." Excellent jurisprudence! admirable ethics! most amiable philosophy! What a figure such a chapter would have made in the profound and eloquent volumes of Hooker! what luster it would have shed upon the morality of Paley! It certainly never occurred to the great teachers of law or ethics that, because a corporation could not, as such, commit murder, nor yet itself be subject to that crime, therefore, it followed, from reason, irrefragable, that it was lawful and right to rob it; that,

as it could not in its corporate character commit a crime, and would, therefore, escape punishment in the next world, reason, equity, and the eternal fitness of things, required that it should be visited with confiscation in this. Of a character closely allied to this, in its moral tendency, is that class of arguments which treats the contract, in the bank charter, as a promise liable to be performed or broken, according to the fluctuating opinions of those who might hold, for the time being, the political power necessary to its faithful execution. Is this the light in which modern morality and law have taught us to consider national obligations and national honor? Does a change of power from one political party to those of another political faith absolve the latter from all obligations contracted by the former? Sir, within the last four years, the long-exiled Bourbon has paid us for spoliations committed on our commerce by revolutionary France. The present King of Naples has renumerated our citizens for injuries sustained by them at the hands of Joachim Murat. Such, sir, is the universal law of good faith which descends and attaches upon all who, in the process of time, however remote, succeed to the political power of Government.

It is this faith-keeping principle in States and individuals that holds together the moral elements of the world. It is superior to, and controls, all human will. Its obligations are paramount to all human control. It is a law of perpetual obligation, from which neither States nor individuals can absolve

themselves; it is felt in the hearts of men; it does not derive its origin from society; it is the parent and origin of all social existence; it is the principle of the honest man, the honor of the gentleman, the chivalry of the brave man, the piety of the good man, the glory of a nation.

Mr. Speaker, if this act of the Secretary is in itself wrong, being founded in palpable injustice toward the bank, it is not less condemnable as being unwise and inexpedient as a measure of public policy. Though I by no means admit that what the Secretary calls "his reasons" are, in a single instance, such as to form even an apology for his conduct, yet it is only respectful toward him to bestow a passing notice upon some of them. He sets out with the declaration that the people of the United States had declared that the charter of the present bank should not be renewed. This is put forward as the basis upon which he felt himself compelled to act. In a matter affecting, in the tenderest point, the interest and business and property of a nation, we should expect, from ordinary prudence, great certainty in ascertaining facts, necessary to be known, before consequences so momentous were encountered. The evidence of the existence of such facts should not be conjectural or equivocal, but such as could leave no doubt — such as would extort conviction from the mind. What, then, was this proof, think you, of a decision by the people that the bank should cease to exist? It was this: General Jackson was re-elected to the presidency in November, 1832, and

he was not a friend of the bank! Here is the direct, positive, overwhelming evidence of the sense of a nation, as the Secretary supposes, on a simple isolated question concerning the renewal of a charter. What a compliment to the President! He is, by this view of the election, represented as being chosen to preside over the republic, not for his profound knowledge of civil polity, in all its complex and multiform ramifications; not for his acquaintance with our diplomatic history; not for his large and comprehensive views of the rising and future destinies of this flourishing republic; not for his great renown in arts or arms: no, none of these. He was, according to the view of it, clothed with the highest honor mortal man can confer, simply and only because he did not like a certain corporation in the city of Philadelphia, of which one Nicholas Biddle was the president. Sir, I can find a hundred men at work on the canal about this city, before sunset, that have the same qualification for the high office of chief magistrate of the republic, if opposition to a banking corporation is to be the sole and exclusive test of merit. The people of this country will no longer be fit to be trusted with the election of their President, when they make that election turn upon a single supposed opinion of their candidate touching one only of the great variety of subjects upon which that officer is obliged to act. For the reputation of the President, for the character of my countrymen, I trust this opinion expressed by the Secretary, and in another document asserted by

the President himself, will be repudiated by this House. I know it will be rejected with indignation by the enlightened freemen of the country as a reflection upon their intelligence.

But, sir, I deny that the President ever expressed to the people an *unqualified* declaration against the renewal of the charter of the United States Bank. I know that he refused his approval to the bill for that purpose passed in 1832; but do we not all know that, among other things, in his message to Congress on that subject, the President distinctly asserts the power of Congress to create a bank, and plainly intimates his willingness to aid them in doing so. Let his own language speak for him: "That a Bank of the United States, competent to all the duties which may be required by the government, might be so organized as not to infringe on our own delegated powers, or the reserved rights of the States, *I do not entertain a doubt.* Had the Executive been called upon to furnish the project of such an institution, the duty would have been cheerfully performed. In the absence of such a call, it is obviously proper that he should confine himself to pointing out those prominent features in the act presented, which, in his opinion, make it incompatible with the Constitution and sound policy." Here we have a distinct annunciation, by the President, that a bank might be created which would answer all public purposes; of this, he says, he "does not entertain a doubt," and that, if called upon, he would cheerfully furnish the project of such an institution. This, sir, in that

portion of the country within the range of my immediate observation, was seized upon by the President's friends, at his last election, to show that he would yet furnish to the country a bank. He, and he alone, it would seem, had made the discovery of some project concerning currency and treasury agency, which the wisdom of the wisest, for the last fifty years, had sought for in vain. The country has patiently waited the redemption of this pledge for two years. Still some of his friends cry, "Patience, it will yet be brought forth." Great mystery is affected, and no one ventures to say precisely what it will resemble; yet still it will be, it is said, when it does come, just what all desire. Deep in the recesses of executive wisdom, they tell us, this grand secret is hidden. That which escaped the anxious search of Washington, Hamilton, Madison, Jefferson, and all the Secretaries of the Treasury, for forty years, had been discovered by the present chief magistrate, and surely it would not be withheld from the world. It was suddenly to spring from the pregnant head of the Executive, like another Minerva from the head of Jove—the impersonation of wisdom armed from head to foot, covered all over with the panoply of the Constitution, graced with all the amiable facilities of bank credit and sound currency, and endowed, in an especial manner, with the energies and security of a proper treasury agent. This, sir, is what was decided upon by the people in the election of the President; this was what they were promised; they relied on that promise. Sir, it had that quality

which always commends itself to our credence; to say the least of it, it was modest!

Two years have elapsed, and the expecting world still waits in hope of the grand development. Whether we are to die "without the sight," is among those future events which the curtain of time (perhaps fortunately for us) still conceals from mortal scrutiny. I take it for granted, that the rickety, misshapen imp, lately born of a forbidden concubinage between executive assumption and State bank prostitution, which we now see mewling and puking in the nursing arms of the committee of Ways and Means, is not to be palmed upon us for that "*cara Deum soboles*," that "*magnum Jovis incrementum*," which the world has so long been promised.

Mr. Speaker, let us examine some other of our recollections of subjects agitated, and, by presumption, supposed to have been decided by the people in the election of President. Prior to the election of 1829, nothing, touching the opinions of the candidates, formed a more decisive test, in the Western States, than the "tariff and internal improvement." So anxious were the people of that section of the country to be well informed on this subject, that the Legislature of Indiana authorized their Governor to open a correspondence with General Jackson, then a candidate, in order to have record proof of his principles touching the measures to which I have referred. What followed? In a reply to the Governor, a letter addressed to a gentleman in the South, and votes given in the other branch of Congress, were referred

to; but nothing explicit beyond these could be learned. This, however, was received by the good-natured people of Indiana as full proof of the General's friendship to a protective system of duties, and liberal expenditure of public money upon roads and canals. Now, sir, if we can trust at all the newspapers of that day, we know that this same letter and these Senatorial votes were referred to in the South as furnishing very satisfactory evidence of the same gentleman's hostility to both tariff and internal improvement.

With these examples of the dubious character of any evidence of public will, derived from the agitation of any subject in elections, we should have expected the highly-cultivated legal mind of the Secretary to hesitate in receiving that sort of proof as satisfactory, in any manner involving deeply the public interest. Our astonishment increases when we hear the President himself, with all the facts to which I have adverted fresh in his memory, make the declaration that his election, in 1832, is to be received as a decision of the people that the bank is not to be re-chartered. Another *reason*, as it is called, much insisted on, is equally without foundation in fact. It is amusing, if not vexatious, to observe the freedom with which both the Secretary and the committee of Ways and Means draw upon the credulity of Congress and the people. They propose to destroy the United States Bank, and employ as treasury agents some hundreds of State banks throughout the Union, for the purpose—(mark the object in view!)

for the purpose of "bringing back the currency where the sages who formed the Constitution found and left it." Where did the much-abused and misrepresented sages who formed the Constitution find the currency? The mists of antiquity have not yet settled down upon the period referred to so heavily as to obscure from our vision the men and the deeds of that day. They *found* the currency made up of "continental money" and "bills of credit," issued by the several States of the then confederacy. Is this, then, the kind of currency which the patriots and philanthropists of the present day intend to give us? Where, again I ask, did the sages who formed the Constitution leave the currency? Let us look somewhat minutely into this portion of our history. I shall be willing to go with gentlemen in any measure which will give us just such a currency as the sages who formed the Constitution left us. The convention that formed the Constitution was composed of thirty-nine members, including General Washington, its presiding officer. Of the thirty-eight members who signed the Constitution in 1787, sixteen were members of Congress under the Constitution, in the year 1791, when the first United States Bank was chartered; twelve of these sixteen voted *for* that bank, and four *against* it. Among those who voted against it was Mr. Madison, who, afterward, in 1816, yielded his objections, and approved the charter of the present bank. General Washington, in 1791, was President of the United States, and approved the establishment of the bank. General Hamilton was

then Secretary of the Treasury, and recommended it. Here, then, we have the recorded opinions of eighteen of the thirty-nine who signed the Constitution; fifteen of these were in favor of the Bank of the United States, and three against it. But, sir, this is not all. We are informed by those still living, who knew well the opinions of those other sages who formed the Constitution, who were not in the Congress of 1791, that seventeen of them were in favor of the Bank of the United States, as then established. The opinions of those who formed the Constitution, as to currency, would then stand thus: thirty-two in favor of a Bank of the United States, and seven against it. It was a currency, regulated, controlled and created by the Bank of the United States, which the sages who formed the Constitution "left us." From the year 1791 to the present hour, more than forty years, excepting four years of derangement, disaster and ruin, (from 1811 to 1816, when we had no United States Bank) we have had *that* currency; and now we are told, with apparent candor, too, that by abolishing the Bank of the United States, and giving to one hundred State banks twenty millions of public money, annually, to issue bank-notes upon, we shall bring back such a currency as the sages of 1791 gave us; that we shall, in this way, restore the currency to the condition in which the immortal authors of the Constitution left it. I have neither time nor temper to animadvert further upon this attempt to bolster up the miserable schemes and shifts of this day, dignified with the name of plans, by authorities drawn

from the earlier portion of our constitutional history. It can only succeed by mistaking the authority, or by a gross misunderstanding of historical facts.

When we shall have broken up the present system of things, what does the Secretary, what do the committee, propose to give us in its stead? Shall we have a better circulating medium? They propose to give us, instead of United States Bank bills, the notes of State banks. More than four hundred of these now exist in the different States. Their notes are selling at the brokers' offices, in different parts of the Union, at a discount varying from two to ten per cent., at this moment. Two years ago, when war was declared against the present Bank of the United States, we were told that all banks were to be put down. They were all then monopolies, dangerous to liberty; and the destruction of paper currency and the restoration of coin were then begun. This was then the confident assertion of a portion of the party now in power. Let the history of that party, in the Legislatures of the States, since that time, speak for itself. In Ohio, Kentucky, and Indiana, what has it done? Why, sir, in order to banish bank paper and restore coin, they commenced a clamor for State banks; and in my own State have, since 1832, incorporated four millions of State bank capital! This has been done by that very party who are to bring back gold and silver currency by destroying banks! The same scene has been acted, by the same class of politicians, in all the Western States. It is now a well-known fact, that, since the message of the Pres-

ident was promulgated, putting his veto on the United States Bank charter of 1832, more than forty millions of bank capital have been incorporated in the different States in the Union. Such is the progress already made toward restoring gold and silver currency. I venture now the prediction, that, if the United States Bank, or some similar institution, be not established, you will, before the lapse of five years, see twice the number of State banks now in existence. Their notes will be flying everywhere, thick as the leaves of the forest in an autumnal hurricane, and about as valuable.

But suppose your league of Treasury banks should succeed in establishing their credit so as to give general currency to their paper; will not those banks, in that way, by loans and exchanges, gain the same power and control over the business and trade of the country, which, you say, is now possessed by the United States Bank—that dangerous power, for the possession of which, you say, it must be abolished? And what is gained by exchanging the one for the other? What will your condition be, when your league banks shall be able to crush, if they choose, the trade of the country? Can you strike them out of existence? No! over them or their charters you have no control. The State Legislatures gave them life, and will, at their pleasure, prolong their existence. Suppose their charters expire; they are your Treasury agents; they will then be indispensable to your system of finance. Will they consent to expire! Will not the stockholders in them be just as anxious

for a renewal of their charters, as the owners of stock in the United States Bank now are for a renewal of theirs? Yes, sir, they will, and they will be just as little scrupulous about the means employed to obtain their end. This image with a hundred heads, which you are now erecting, will be just as difficult to destroy, as the monster you profess so much to fear. The impure priesthood of Mammon will clamor just as loudly for their hundred-headed idol god, as do those now whom you profess to regard with so much horror. You will find, when the discovery will be too late, that possessing stock in a State bank does not of itself make a Cato, nor owning the same property in the United States Bank convert a good citizen into a Cataline.

There is another view of the dangerous connection between the Executive Government here and the banks of the States, which I can not pass without notice. If your scheme ever does succeed, if it works well in your fiscal affairs at all, it will of course be desirable to continue it in steady operation for a long time to come. But there will be obstacles to this. The charters of some of your banks will terminate. The Secretary of the Treasury will, of course, desire to have these charters renewed by the Legislatures of the States in which they are situated. To effect this, the influence of the bank will be first exerted on the Treasury department here, by offering to do your business on very advantageous terms; the Secretary of the Treasury, with the aid of the power, popularity, and influence of the President for the

time being, will bear down upon your State Legislatures; one vote, or two, or three, may, perhaps, decide the fate of your bank. Will not those votes be secured? Yes, the whole patronage of the Federal Government in this scheme, from time to time, will be tempted into the Legislative halls of the States. We have heard much of consolidation; much of the danger of merging the independence of the States in the overwhelming power of the Federal Government. If the wit of man were tasked to invent a cunning, insidious plan, by which this ruin might be wrought, he could not devise one more likely to effect his diabolical purpose than that proposed in this treasury invention. Give the Executive the power to confer favors on so many different companies of men, who also stand closely connected with the State Governments, and you have so many centripetal forces, drawing, by the resistless influence of pecuniary interest, the independence of the States into the vortex of federal control. These twenty-four stars, that now shine with such mild and pure luster, will be drawn from their spheres, and their lights quenched forever in the superior blaze of one great central sun.

If these consequences do not come upon us, it will be because the States will not suffer themselves to be beguiled into your Treasury snare. Judging from what has already transpired, we may hope the good sense and patriotism of the States in this, as in other instances, may yet preserve this great confederacy from the fatal effects of a mad and ruinous

policy. Three States have already refused to enter into this unholy alliance. Virginia, ever watchful of the approaches of federal usurpation, permitted your Treasury to sojourn a few weeks with her citizens; but, finding you had sent a foul leprosy into her borders, although justly renowned for her hospitality, ordered her people to shut their doors upon you, and it was done. Kentucky, not less famed for the generous confidence she extends to strangers that come to her—Kentucky, who has a ready welcome for every friend, and a grave for every foe—she, too, tried your society for a brief space; and, finding her health poisoned by your pestiferous touch, drove you back into your own territories. Pennsylvania, too, meek, temperate, and forbearing as was the spirit of her illustrious founder—she who receives the comfortless and distressed of every kindred, caste, and clime under heaven, who cherishes all that take refuge in the ever-expanded arms of her comprehensive urbanity—good old Pennsylvania, who, like that divine charity spoken of by the apostle, "vaunteth not herself, is not puffed up, hopeth all things, believeth all things;" she, too, finding only bankruptcy, poverty, and want, in your society, yielded reluctantly to stern necessity, and pronounced the doom of banishment upon you. Happy experiment! profound policy! what admirable contrivance in the plan! what perfect order, harmony, and success in its execution! How proud is the condition of your Treasury under the influence of this grand experiment! With a certificate of good character in its

hand, signed by the chief magistrate of the nation, it is driven forth from Virginia, banished from Kentucky, exiled from Pennsylvania. It is, at this moment, a wandering mendicant, begging in vain for a place whereon to rest the soles of its weary feet; like the hapless son of Hagar, driven forth from the patriarchal roof, and if report be true, his "bread" quite gone, and his "bottle of water" well nigh expended. If you permit him to remain much longer upon the desert, like Ishmael, he will be compelled to sustain a wandering and precarious existence by rapine and plunder. He will "turn his hand against every man," and "every honest man's hand will be turned against him."

Is there an American bosom that is not pained, with mingled shame and indignation, at the present degraded condition of our country? What ultimate or present good is to result from what has been done? None, no, none; but evil—only continual disaster. What else can we expect? Perfidy in the Government will result, as it ought, in poverty to the people. We have not even the common motive of the felon: we could not be said to have acted in this instance from the love of gain. In the mere wanton or malignant consciousness of power, we have stained the national honor, violated national faith; we have taught the people to disobey the injunctions of law, by permitting an unchecked example of its violation by that very power whose ordained duty it is to maintain and enforce it. Let us not deceive ourselves. Let us not flatter each

other with the expectation that this will be a solitary instance of Executive encroachment. No, history teaches us other lessons. That power that can subvert ancient usages, break with impunity national compacts, efface at will written laws, uproot the firm foundations of the Constitution, that power, if not suddenly arrested, will survive all that it destroys, and maintain itself in absolute dominion, by those very arts and instruments through which it required its first momentum.

> "'T is but the same rehearsal of the past,
> First freedom, and then — glory; when that fails,
> Wealth, vice, corruption — barbarism at last." *

When we review the history of the last few months, and see the strange mixture of confusion and systematic effort, all tending to bring upon the people lasting injury, and are told that all this must be borne, because "the people themselves willed it should be so," I can not but remind the Executive Government, and gentlemen here, of instances in which they have disregarded that will, when it was fully and fairly understood.

Prior to the presidential election in 1828, the present chief magistrate, then a Senator in Congress from Tennessee, in his letter of resignation to the Tennessee Legislature, held the following excellent

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* As if to verify this prediction, in a few days after these remarks were made in the House, the President sent his celebrated protest to the Senate, claiming for himself just enough power to carry into effect "his will," be that what it may.

doctrines. Speaking of a contemplated alteration of the Constitution, he says: "I would impose a provision rendering any member of Congress ineligible to office under the General Government during the term for which he was elected, and for two years thereafter. But if this change in the Constitution shall not be made, and important appointments continue to devolve on the Representatives in Congress, it requires no depth of thought to be convinced that corruption will become the order of the day, and that, under the garb of conscientious sacrifice to establish precedents for the public good, evils of serious importance to the freedom and prosperity of the republic may arise." Do any of us forget the flame of enthusiasm which these sentiments kindled in the ardent and confiding hearts of the freemen of this country? In the election of General Jackson, they looked forward to the establishment of all these excellent principles as cardinal maxims in his administration. The most extravagant anticipations of great benefits were confidently indulged. Could such a man, with such pure principles, be placed in the executive chair, a sun bright with millennial glory would, it was said, dawn upon the republic, never to go down. All grievances would be redressed; all tears would be wiped from all eyes; his administration, compared with all others, would be

> "An era of sweet peace 'midst bloody annals;
> A green spot in the desert of past centuries."

Were these fond and fanciful hopes realized? The

election of 1828 ended in the success of the man who, by propagating those doctrines, had made himself the idol of the people's hearts. How, sir, was this generous confidence requited? No sooner was he firmly seated on the throne of power, than, as if to show his scorn for popular credulity, he boldly marched into the Senate, and took its members away to make his cabinet council. This House was literally emptied to fill places made vacant by removal; not one, or two, or three, but whole squadrons of members were marched off to be made the subjects of reward, from foreign ministers of the highest grade, down to petty clerkships in the executive departments. Gratitude for friends and revenge for foes; the maxims of Sylla were openly avowed as the doctrines upon which executive patronage was to be dispensed. I shall not soon forget an instance of reward and punishment, which created, at the time, not merely astonishment, but strong indignation, in Ohio. General Harrison was a native son of Virginia. In his nineteenth year (I believe being then a lieutenant in the army), he was selected by General Wayne as one of his aids, in the memorable campaign of 1794, which terminated the war with the Indian tribes of the north-west. At a very early age he was chosen a delegate to Congress from the North-western Territory, and subsequently made Governor of the Territory of Indiana. After the disastrous campaign of Hull, in 1812, he was selected by the Government to command those noble Kentucky and Ohio volunteers, who thronged in

thousands to the tented field, to redeem the sinking fortunes of the war. My gallant friend from Kentucky [Colonel Johnson] won those unfading laurels, to which time only adds fresh verdure, fighting under the immediate eye and command of Harrison, at the ever-memorable battle of the Thames. At the close of the war, General Harrison resigned his commission, and, in the spirit of the example of Cincinnatus, retired to his farm in Ohio. From thence he was soon called by the legislature of that State to a seat in the Senate. Such a citizen was thought by the administration then in power a fit representative of this government at the capital of the Colombian republic. He had not been friendly to the election of General Jackson. In one month, I believe, after the inauguration of the latter, and before General Harrison was known to have reached Bogota, his place of destination, he was recalled, and a member (then) of this House, a warm, active, industrious, powerful friend of the new President appointed in his place. Thus the active, useful friend was rewarded; the opponent punished.

After all this forgetfulness of pledges given and public will expressed, when the President, and his friends for him, allege that he has taken the custody of the public money from a long-tried and faithful agent, because it is the people's will, I must be pardoned while I doubt. Sir, if I had that faith which could remove mountains, I should still hesitate to believe the sincerity of this declaration.

Mr. Speaker, no opinion, no principle is in this

country so universally well received by the people as that which teaches public servants the duty of redeeming, when in office, pledges given when candidates for office. It is right, it is proper that it should be so. It is the compact between the servant and his employer, and should be fulfilled by the former, at all times, with scrupulous fidelity. The great importance of this operative principle, in a representative government, will excuse me to the House for calling their attention to another flagrant instance of its violation, by one who now professes to make it the ground and cause of his late extraordinary movement upon the bank and treasury of the United States.

When the present Executive first took his seat in the Presidential chair, he announced to the people, in his inaugural address, his determination to reform a great variety of existing evils in the administration of public affairs. Among other things, high on the list of these reformations, was inscribed "the duty of reforming those abuses which had brought the patronage of the Federal Government to bear on the freedom of elections."* The interpretation of this was simple and well understood. It implied that officers, holding their places under the general government, had used their influence and employed their time in the business of electioneering. It avowed a determination to dismiss from service all such, and to make it a rule in all future appointments that none should

* See Inaugural Address of President Jackson, Appendix.

receive or hold office. This was applauded, and everywhere received as the first bright gleam of that millennial glory that had been so confidently foretold by the friends of the President during the canvass prior to the election of 1828.

Passing by other examples of the operation of this reform, I refer, with unaffected pain, to one which lately occurred in my own State. On the 8th of January last, a convention, under the general denomination of the "friends of the present administration," assembled at Columbus, in the State of Ohio. Its object was to appoint delegates to represent the "party" in a proposed national convention, which was to be convened in May, 1835, to nominate a successor to General Jackson. This convention of the "friends of the present administration" was composed of one hundred and seventy-seven persons. Of these, seventy-one were office-holders under the Federal and State Governments. A gentleman holding the office of district judge for the district of Ohio, under appointment of the President, not yet confirmed by the Senate, in his character of a "central committee man," called a meeting (by advertisement in a public newspaper) of the "friends of the administration" in a particular county, for the purpose of naming delegates to this convention at Columbus. All these things are matters of public notoriety. The convention, among other things, constituted a "central committee," with electioneering jurisdiction co-extensive with the territorial limits of the State. Of this committee, composed (according to my recollection)

of seven persons, five are officers holding appointments under the Executive: one district attorney; two receivers of public moneys; one surveyor of the Virginia military lands; and one postmaster.

The proceedings of this convention have been published in the official journal in this city, and can not have escaped the notice of the President. Can a case be imagined more proper for the application of that reforming power which the President, at his installation into office, had promised the people to exert with such unsparing fidelity? Where slept the executive thunders while these iniquities were transpiring? Has one of those federal officers been removed, or even censured for "bringing the patronage and influence of the Government to bear upon elections?" No. All is tranquil and placid. The arm of executive vengeance is not lifted against the offender. The brow of power is not even clouded by a frown of disapprobation. After such forgetfulness, not only of pledges given, but also of the expressed will of the people derived from elections, in which this subject of official influence upon popular elections was agitated all over the Union, I can not hear with patience the "people's will" put forward as a reason for violating law; taking away chartered rights; deranging the currency; destroying trade; and sinking in the great "Serbonian bog" of "executive power" all the Constitutional functions of Congress and the judicial courts.

Finding (after a fruitless search) no reason for the act of which we complain, founded in law or expedi-

ency, or any dictate of public necessity; but, on the contrary, finding, as the experiment has evinced, every consideration of duty and patriotism opposed to it, how shall we account for it? We are driven to the necessity of resorting to reasons and motives for the act which are not clearly set forth in any official document.

We know that the President has, for some two or three years, felt and expressed a deep and settled hostility to the United States Bank. We know that he and his friends believed that certain individuals connected with the bank, were not friendly to his election, and did not yield unqualified approbation to some of his public acts. A resolution, we are told by Mr. Duane, was formed to crush this supposed opponent; Congress, at its last session, had been appealed to for this purpose; but, instead of adopting a course like that taken since by the President, that body, composed of a large majority of his political friends, by a vote of more than two to one, resolved that the public moneys were safe in the Bank of the United States, and ought to remain there. What was to be done? The bank must be crushed, and Congress had refused to become its executioner. Two or three months prior to the meeting of this Congress, the Secretary of the Treasury is required to remove the public moneys to the State banks. He declined, and offered as his reasons, the vote of the last Congress and the near approach of the meeting of this; that the subject properly belonged to Congress, and to them it ought to be submitted. What

was the reply of the President? I will give it upon the authority and in the words of Mr. Duane's letter: "If the last Congress had remained a week longer in session, two-thirds would have been secured to the bank by corrupt means; and that the like result might be apprehended at the next Congress. That such a State bank agency must be put into operation, before the meeting of Congress, as would show that the United States Bank was not necessary; and thus some members would have no excuse for voting for it." I can not here, sir, stoop to the consideration of these suggestions of corrupt influence upon the representatives of the people. Let that people determine whether the servants of their own free choice are capable of acting from the diabolical motives attributed to them. I have mistaken the character of my countrymen, or they will treat such imputations upon the emanations of their own enlightened and free suffrage as the insane ravings of unchastened ambition, or the equally idle suggestions of unbridled revenge. If this history of the transactions of the last summer be true, what is the conclusion? The corruptibility of Congress is imagined as a reason for transferring their powers and duties to the hands of the Executive. Thus, purity of motive in the President would apologize for a revolution of the Government. Sir, this is not the first instance in which the fears and patriotic prejudices of the people have been assailed for the purpose of effecting this favorite measure—the destruction of the bank.

There exists in the minds of the American people

a watchful jealousy of foreign influence in our political affairs. Two years ago this jealousy was roused to a degree of fanaticism that became in its hight absolutely ridiculous. It was found that nearly eight millions of stock in the United States Bank were owned by foreigners. I shall not soon forget the parade made in this hall, and elsewhere, of the list of names of those foreign stockholders. Many of them, it was found, were females. Nothing could exceed the patriotic rage and horror depicted in the fierce gestures, distorted countenances, and fervid declamations of those who had all at once discovered that the liberties of America were sold to the women of England! Had they been only simple, plain gentlewomen, it seemed the danger would not have been so appalling; but there were countesses, marchionesses, and, it was suspected, even a duchess! This was not to be borne. A countess, it was clear, could at once put an end to State rights; and a duchess — a duchess could swallow the whole confederacy at a meal! All the foes of the bank, with the President himself, trembled at the peril which impended over us. In the zeal and fervid enthusiasm which the occasion inspired, these female stockholders were depicted as a grizzly host of amazons, leagued and armed for the destruction of the last hope of liberty; ready, and just now about to bear down upon and crush us at a blow; not as their renowned ancestress, Boadicea of old, made war upon the legions of Claudius, with brand, and bill, and bow, and spear, and battle-ax, but with weapons more

sharp and deadly—with pounds, shillings and pence. A host was marshaled to beat back this feminine invasion. From every quarter, but chiefly from New York, recruits thronged in thousands, and took the field, resolved to drive out this foreign female invading foe, or, as became men, to die in the glorious attempt. The President, as usual, took the command. The American eagle erected his head, and spread his wings abroad, not with that glorious motto, "*E Pluribus Unum*," which had floated with him in triumph over many a red field of slaughter, but with another, which suited better the character and objects of the war. Just under his wing, and concealed from all but the keen eye of rapacity, might be seen these memorable words—"Spoils of Victory." Thus bannered and equipped, with vetoes for weapons, and "British booty and British beauty" for their war-cry, they took the field. Who could doubt the result? As was expected, the she-aristocracy of England capitulated to the mailed chivalry of America without risking a battle, and marched home without loss of baggage. Have any of us forgotten the shout of triumph that pealed over the continent? "A nation was redeemed from the iron yoke of foreign oppression." Twelve millions of freemen, just ready to be sold for eight millions of dollars—just about to be knocked off at $1.50 a head—are now forever free! But, alas! who can fathom the depths of the future? Who could have foreseen the sad reverses that were to befall this victorious host? In the agitations of this war

upon foreign capital, commerce furled up her sail; the hand of industry was paralyzed; labor wanted employment; and public credit shivered on the brink of bankruptcy. Now the scene changes! Where now is that American eagle so lately flying in triumph over the ranks of war? His wing folded up, his eye glazed and sunk with hunger, you send him abroad to peck and beg about the den of the British lion, for a morsel that may fall from the jaws of the royal beast, to keep him alive. Pennsylvania begs of the foreign banker (Rothschild) a few millions to pay her honest debts; and New York, foremost in the war against foreign capital and foreign influence, offers a mortgage of her State to those very old women of England for six millions of foreign gold, to make safe her "safety fund." Sir, I hope, nay, I doubt not, they will succeed. These fierce countesses and fat duchesses will relent, and yield them the desired boon. The chivalry, so lately displayed by those who solicit it, must prevail; for valor is ever potent to subdue the obduracy of the female heart. To this ridiculous issue have come the outcry and war waged against foreign capital. It would be a tempting theme for pleasantry, were it not associated with misfortune, disaster, and ruin to a confiding and deceived community. Strange as it may seem, those events in human affairs which often excite laughter and ridicule, are intimately associated with those that smite the spirits of men with grief and dismay.

"Res omnes sunt humanæ, flebile ludibrium."

It is in no spirit of contest, but with a sincere desire to bring the judgment of the House to that which I conceive to be the only point necessary to decide, that I design to offer as a substitute for the resolution on the table the following:

"*Resolved*, That the reasons of the Secretary of the Treasury, for the removal of the public deposits from the Bank of the United States, are insufficient, and that it is inexpedient to enact any law authorizing the Secretary of the Treasury to deposit the public moneys in the State banks."

The committee of Ways and Means have not thought proper to present this question to the House. Instead of a decision of the House upon this point, which it is clearly our duty to make under the law, the committee have presented a variety of abstractions, tending to no practical ends. Should the vote of the House disapprove the reasons of the Secretary, his course can not be mistaken. He must restore to the United States Bank what he has taken from it, or he must "put his house in order."

After all that has or can be said concerning a remedy for the evil that is now preying upon the country, I have been unable to see or think of anything which promises success, but an immediate halt in our march to destruction, and, as speedily as possible, a return to the point from which we set out. When you find yourselves in a course of ruin, does not wisdom require you to retrace your steps?

Sir, notwithstanding the confidence of the majority here in its strength, I yet hope to see it take counsel of prudence. The eyes of the people have been

opened to the true cause of their sufferings. Two months ago it was asserted, by the supporters of the executive measures, that the war upon the bank, begun two years ago, and consummated last October, had brought no ill consequences to the people. The loud and incessant cry from all quarters, that has been pouring in upon us since the session began, can now no longer be misunderstood. In this dilemma, the distress of the country being admitted, we are told it is all chargeable to the oppressive conduct of the bank.

I must beg the attention of gentlemen who assume this position to a report of the bank, which came to us yesterday; it contains a statement of facts, denied by no one, which must put at rest forever all further accusation against that abused institution. It shows that, instead of curtailing its accommodations below the amount withdrawn from its resources, it has, within the last six months, increased those accommodations by nearly three millions of dollars, in proportion to its means. To be accurate, the account stands thus:

Public and private deposits withdrawn between 1st October, 1833, and the 1st of April, 1834	$7,788,403
Reduction of loans within the same period	5,057,527
Difference	$2,730,876

By this plain tale, the oft-refuted story of the tyranny of the bank, is at once "put down." The bank, during the whole of that scene of confusion and bankruptcy which was begun by the Executive

in the recess of Congress, has been straining all her energies to mitigate the force of the blow aimed at her, but which fell with fatal effect upon the country.

By the same report, gentlemen may learn why it is that, at this moment, so many of their favorite State banks are alive. During the six months past, the State banks have been indebted to the United States Bank in the average amount of three millions and a half of dollars. They might have been called upon at any moment for this sum. In mercy to them it has not been done. Yet it has been asserted here, and the presses devoted to the administration have been loud and constant in their assertions, that the United States Bank was curtailing its loans to merchants, bringing, in this way, bankruptcy upon its debtors; that it was laboring to crush the State banks by the same means; all in order to extort from Congress a renewal of its charter.

The country is beginning to look to the origin of the evils that afflict it. It sees that those who have been exerting power (if the conduct of the Executive deserves so mild a designation) are the real authors of the universally prevalent distress of which they complain. The country now knows that the bank, instead of causing or increasing this distress, has been endeavoring to mitigate its severity.

All that has happened from the ruinous policy of the executive was foretold, and the advisers of this fatal measure were warned against it. They were warned by the opinion of practical honest men everywhere, who dared to speak truth, even to the unwil-

ling ear of power. The President, however, and his Secretary, heeded not their advice, but gave their ears and understandings to the keeping of visionary empirics who knew not, nor it seems, cared, what ills their pernicious counsels might bring upon the country. While merchants, boards of trade, and chambers of commerce, all foresaw and foretold the consequences to our trade and currency, likely to flow from the act of the Secretary of the Treasury, long before it had been consummated, some financial quack was at work with his arithmetical quantities and algebraic equations, showing the President, by "demonstration," that "the removal of five millions from bank A to bank B could result in nothing but simply a change of locality."

This problem was the beginning and end of the cabinet lucubration on this subject. It is humiliating to compare the unpardonable ignorance of those in power, of the practical business concerns of the country, with the clear foresight on the same subjects possessed by men in very humble stations, to be found all over this Union. It reminds me forcibly of an observation, upon a kindred subject, by one of the profoundest political philosophers of the last age.* He observed, that he had often known merchants with the sentiments and abilities of great statesmen, and had seen persons in the rank of statesmen with the conceptions and characters of peddlers; that he had found nothing in any habits of

*Edmund Burke.

life or education which tended wholly to disqualify men for the functions of Government, but that by which the power of exercising these functions is often acquired. "I mean," says he, "a mean spirit, and habits of low cabal and intrigue, which I have never seen, in one instance, united with a capacity for sound and manly policy." Let the people, who feel the unhappy results of a single error of the Executive, determine where the statesmen and where the peddlers of this nation are to be found.

I have heard gentlemen from various quarters of the Union describe the blighting effects of the policy lately adopted upon their respective vicinities. I am fully persuaded that no portion of the country can feel this blight more intensely than the young States of the West. The simplest principles of political economy will satisfy gentlemen that I am not mistaken in this opinion. I wish, sir, that every man, entitled to a vote, west of the Alleghanies, had a copy of the speech of the gentleman from Georgia, [Mr. Wilde]. That clear and powerful analysis of the laws of currency, with those large and comprehensive views of our present condition, which do equal honor to the head and heart of my honorable friend, can not fail to be read and studied with advantage, and by the philosopher not less than the peasant.

Trade can not be carried on without capital; capital is the gradual accumulation of labor and enterprise. Old countries, where labor is unfettered, will, therefore, abound in surplus capital; while, in new

countries, it can not exist to any extent, since time has not been there given for its accumulation. Throughout the great valley, stretching from the sources of the Ohio to the Missouri, now filled with a hardy and laborious population, you have a soil teeming with production. What avail the labor of the husbandman, and the fertility of the earth, if capital is wanting to buy and transport to market the annual products of both? The labor of all that population, up to this time, has been expended in paying for the land it tills; and, by culture and improvement, increasing its production. The Bank of the United States has furnished the West with a capital which it wanted, for which it languished, and which it must again want, if that bank be compelled soon to close its business, and withdraw its capital.

Two years ago we were told, in the President's veto message, that the West must become bankrupt, by paying six per cent. interest on the debt it owed the United States Bank. How was that debt created? By a loan from the bank, of its money, at six per cent. per annum. This money was employed in trade; in buying and transporting to market the products of the country. I speak from actual knowledge when I say, that I have known large amounts of money borrowed from individuals at ten per cent. interest, and employed in purchasing, for speculation, the agricultural productions of the Miami valley. I know that money thus loaned has been profitably expended in this trade; that borrowers have often realized handsome profits on capital thus loaned and

thus employed. The difference between six and ten per cent., which is paid for the use of the money thus employed, is lost, not by the purchaser, but by the farmer who sells the property thus purchased.

Again: The effect of the withdrawal of the United States Bank from the West will be to open the office, and reinstate the business of the broker. The money in circulation there will (as even now, within the last month, it does) rate at a discount of from two to ten per cent. in the Eastern cities.

This will be the currency received by the farmer and mechanic for the products of their farms and workshops.

The merchant, who sells his goods to them, must pay for those goods in the Atlantic cities, in a currency at par there. He, of course, makes his customers, the farmers and mechanics, pay him, in the increased price of his goods, the two or ten per cent. which he will have to give on the money he receives, in order to procure such funds as will pay his debt to the merchants in Philadelphia or New York. The withdrawal, then, of the capital of the bank, which has been constantly employed in facilitating domestic exchanges, will, by diminishing competition, increase the profits of the broker. Those profits, made by large capitalists, when they swell to an unreasonable extent, are a clear loss to the laboring and producing classes.

The West will be a peculiar sufferer under this policy in another, and by no means the least deleterious of its consequences. All the revenues of the

Federal Government are derived from impost duties on foreign goods, and from the sales of public lands. The consumer of the goods on which the impost is laid pays the duty. No portion of the population of the Union, in proportion to its numbers, consumes more of those articles subject to duty than the people of the West. They, therefore, contribute, from the earnings of their labor, the full proportion of the common revenue derived from imposts. The three millions annually paid for lands is received wholly from the Western and South-western States. A proportion of this revenue, suited to the business of the country, has been left heretofore in the United States Bank in the West, to be employed as so much capital by our own citizens. This office your State banks, as the experiment has proved, can never perform for them. Their revenue will be poured into the laps of the Atlantic cities. How are they to be expended by the Government? Internal improvement, it was once hoped, might be the means of expending some portion of it in the West; but that system, by the interposition of the President's veto power, is destroyed. Your whole revenue (of which as I have shown, the West pays its full proportion) will be expended in harbors, arsenals, fortifications, and dockyards on the seaboard, and circulate there for the benefit of the Atlantic States alone. In such a system there is no equity, no equality of burden and benefit.

If, as I have shown, the States of the West are to suffer more than any other great geographical divi-

sions of the confederacy, Ohio (my own State), of all the West, will suffer most from the reduction of prices and stagnation of trade. She is one of those who, according to the President's opinion, "ought to break;" she has "traded on borrowed capital." She has borrowed, and now owes, five millions of dollars. With this money she has, with an enterprise unsurpassed in the ancient or modern history of any community, executed a great work of internal improvement, which should have been done long since at the expense of the whole Union. Her four hundred miles of canal has poured the waters of the great lakes of the North into the Gulf of Mexico. Ohio must look for a fund to pay the interest on this debt, thus contracted, to the tolls collected on her canals. The amount of those tolls must depend on the trade of the country. If prices fall, and trade languish, (as we know they have, and will yet still more, unless we stop short in our present experiment,) the laboring people of Ohio will find their taxes increased. The interest on their canal debt must be paid, and what the tolls do not pay must be raised in taxes on the people. Thus, while your cruel policy diminishes the price of every article produced by the farmer and mechanic, and thus diminishes their ability to pay, it increases the tax, and swells the demands upon them. You starve the slave and yet increase his labor; you increase the burden of the people, and at the same time reduce the strength required to bear it. What can the people of the West see (if this new system is to prevail) in the

prospect before them? Nothing but ruin to their trade, paralysis to their industry, and, worst of all, that host of vice and crime which will spring up everywhere, when labor has no incentive, industry no adequate reward.

Have the people of that portion of your country deserved this at your hands? Instead of extending a parental regard to them, you have abandoned them to premature orphanage and cold neglect. Is there anything in their history that merits this? Less than fifty years ago, urged on by enterprise or necessity, the first settlers plunged into the western wilderness. For many years, every cabin was a fort—every cornfield a camp. Every night the husband and father, with arms in his hands, guarded the slumbers of his wife and children. At every sound that broke upon the stillness of the surrounding woods, the wakeful mother clasped her infant closer to her breast, and breathed a silent prayer for protection, to "Him with whom mercy sits at the right hand, and judgment at the left." If they assembled to worship God, it was in the woods, upon the hillside, or in the deep valley. There, still, they were girt round with peril and war. The song of praise was often interrupted by the yell of the Indian warrior, rushing from his ambush to bathe the scalping-knife and tomahawk in the white man's blood.

That savage foe has fled before their advancing enterprise, until the receding echoes of his war-whoop are now borne upon the blast that sweeps across the great prairies of the farthest West; a little while,

and they will be drowned forever in the roar of the Pacific.

The people of the Western States are just beginning to realize the fruits of years of privation and toil. They have not expected the cup to be dashed from their lips. They understand, for they have already felt, the consequences of the late movement of the Executive on the currency and trade of the country.

They have had, in their recent history, some knowledge of that sort of currency which depends on, and comes from State banks. They will not be satisfied with your ingenious speculations as to what will be—they have made a terrible experiment, exactly like that you now propose to make, and they know what they have suffered and lost; they are unwilling to surrender the wisdom learned by experience, to the theories of any one.

While we deplore the irreparable mischiefs that follow to the interest of those we represent, from the unexpected change lately wrought in our financial system, let me, in conclusion, beseech gentlemen to look to that power, hitherto unknown in our political history, by which the President alone has effected that change.

How has that power revealed to us its tremendous energies within the last six months? The President has obtained uncontrolled possession of the public treasure in the recess of Congress; and, by this bold maneuver, he has, with the aid of his veto power, placed it beyond the power of Congress to reclaim

their lost rights, unless a majority of two-thirds of both branches shall unite in opposition to him. When we see the rights of the Legislature thus invaded, it is natural to inquire, what great good has been achieved? What fearful evil impending over us has been averted by it? Has the American dictator, like the Roman, "taken care that no detriment should come to the republic?" No; the exact reverse is the truth.

He has taken your whole treasure from the custody where, it is admitted, it was perfectly secure, and placed it in the keeping of State banks, where we are not sure it is safe for the passing hour. In doing all this, he boasts that he crushed the United States Bank; that he has, in the hyperbolical language of his friends, "strangled a monster!" In the true style of the mock-heroic, the fabulous exploits of Hercules are put forward as parallel achievements. Meantime, in destroying one bank, he has given life and perpetual existence to one hundred other banks.

He crushes one serpent, and, at the same moment, he places in the vitals of the State innumerable knots and endless involutions of hungry tapeworms, to gorge their ravening and insatiable maws upon the very sources of life.

It was the idle vaunt of a renowned general, in the declining period of the Roman republic, "that he could call up armed legions with the stamp of his foot." Sir, we have lived to see the acts of one man produce phenomena more appalling than the reality of the proud Roman's boast.

We have seen the "Executive" ministerial officer of the most limited Government on earth, expand the mere emblem of authority into the amplitude of kingly prerogative, and, of his own will, communicate to it the strength and vigor of imperial sway. Thus armed, he grasps, with his own hand, the wealth and energies of a nation's commerce; and in a day they wither into imbecile bankruptcy in his clutch. With this same power he enters the humble dwelling of the laboring poor man, or the neat mansion of the industrious mechanic; he sees there well-rewarded industry shedding smiles, and plenty, and innocent contentment upon a cheerful, happy family. At the wave of his hand, this vision of happiness disappears, and in its place come want and poverty, and squalid misery and woe. Look back over the whole history of your government. Do you find in it any executive power approaching to this? No; to find authority for this searching and overshadowing tyranny, you must go to the groaning monarchies of Europe. English history, and not your own, will furnish you with such examples of "executive power." Consult the reigns of the crafty Plantagenets—the obstinate and tyrannical Tudors; read the bloody annals of the misguided Stuarts; there, and there only, will you find examples to compare with the last six months of our history.

I entreat gentlemen to look out upon the country. You see the poor and the rich thronging to the capital for relief. They repair to the President's mansion; its doors are rudely closed against them. A Presi-

dent, elected by the people, refuses to see and confer with them in the extremity of their distress—distress brought on them by his own act. The voice of absolute power bids them "go home;" they are only permitted to approach the throne through the cold and imperfect medium of written communication. Driven from thence, they come here—here, to their own immediate servants. How are they treated in this House? An inflexible and proud majority denounces their assertions as falsehood—their opinions as folly. A press, devoted to power all over the country, answers to the universal wail of distress with grinning ribaldry and sneering scorn. Sir, if the lessons of past ages are not fables, and all history a lie; if the whole theory of your government be not based upon fiction, we shall soon see the collected energies of an aggrieved, insulted people forcing their influence upon this hall. That influence will be felt here, where every pulsation must answer to the throb of public feeling. You will feel this, not in that might that slumbers in a freeman's arm, but in that fierce indignation which sleeps not, nor slumbers in the freeman's bosom so long as he feels the cold iron of oppression entering into his soul. Mr. Speaker, I have done. The proofs of our misguided policy thicken upon us every hour. A blasted monument of it at this moment stands, with empty vaults and closed doors,* in view from the windows of this

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*The Bank of Washington. Three other banks in the District stopped payment in a few days afterward.

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APPENDIX.

Extract from Gen. Jackson's Inaugural Address, March 4, 1829.

"The recent demonstration of public sentiment inscribes on the list of executive duties, in characters too legible to be overlooked, the task of reform; which will require particularly the correction of those abuses that have brought the patronage of the Federal Government into conflict with the freedom of elections, and the counteraction of those causes which have disturbed the rightful course of appointment, and have placed or continued power in unfaithful or incompetent hands."

Extract from Mr. Jefferson's Circular, published and addressed to he various officers of the Government under his administration.

"The President of the United States has seen, with dissatisfaction, officers of the General Government taking, on various occasions, active parts in the election of public functionaries, whether of the General or State Governments. Freedom of elections being essential to the mutual independence of Government, and of the different branches of the same Government, so vitally cherished by most of our Constitutions, it is deemed improper for officers depending on the Executive of the Union to attempt to control or influence the free exercise of the elective right; and further, it is expected that he (the officer) will not attempt to influence the votes of others, nor to take any part in the business of electioneering; that being deemed inconsistent with the Constitution and his duties to it."

The following is a statement of the amount of bank capital incorporated since 1832, derived from the best sources of information. It is doubtless, if incorrect at all, below the true amount. It shows how rapidly we are going on to banish bank paper from our currency. There are now (including the following) about five hundred State banks in operation. Yet we are gravely told that if we put down the United States Bank, we shall at once restore gold and silver currency, and get rid of paper altogether.

Maine	$100,000
Vermont	600,000
Rhode Island	1,000,000
Connecticut	600,000
New Jersey	100,000
New York	4,000,000
Pennsylvania	4,400,000
Maryland	500,000
North Carolina	2,800,000
South Carolina	500,000
Mississippi	700,000
Louisiana	12,000,000
Tennessee	5,000,000
Kentucky	5,000,000
Ohio	4,000,000
Indiana	1,000,000
	$42,900,000

Mr. Corwin, at the conclusion of his speech, moved to amend the resolution by striking out all after "Resolved," and inserting in lieu thereof the following:

"That the reasons of the Secretary of the Treasury for the removal of the public deposits from the Bank of the United States are insufficient, and that it is inexpedient to enact a law requiring the Secretary of the Treasury to deposit the public moneys in the State banks."

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MEMORIALS IN RELATION TO THE PUBLIC DEPOSITS.

[In April, 1834, a period when a large portion of the people were deeply excited in consequence of the removal of the Public Deposits by the Secretary of the Treasury, (Mr. Taney,) Mr. Corwin presented in Congress two memorials, from citizens of Warren and Clinton counties, Ohio, upon the financial embarrassments of the day. Although his remarks on those several occasions are brief, they state the object of the memorialists so fully, and contain such a well-expressed, and well-deserved compliment, to that portion of his constituents, that it would not be just either to him or to them, if they were omitted in this compilation.]

Mr. Speaker:

I am charged with the presentation to this House of a memorial, signed by about two thousand of the inhabitants of a single county of the district I have the honor to represent. By reference to the names and designations of occupations affixed to them, it will be seen that they are composed of farmers, merchants, and a great variety of those engaged in mechanical pursuits. They are emigrants, or the descendants of emigrants, from every State in the Union, and present in many respects a faithful miniature picture of the manners, habits, tastes, and opinions, of the whole American population. They are generally in that condition for which a pious and wise one of old so fervently prayed—they are neither rich nor poor, but in that happy medium between the

extremes of poverty and wealth which philosophy had taught and all experience proved to be most favorable to the cultivation of that only true dignity of character, a modest yet manly independence of thought and action. They inhabit the most fertile portion of the Miami valley, a district of country remarkable for its exuberant production of those heavy articles of subsistence that are everywhere regarded as the necessaries of life. For these, (the only subjects of export trade in that country,) the memorialists have usually found markets through the Ohio and Mississippi rivers, in the South, and lately through the Ohio canals and the lakes, in the North—markets which have yielded an encouraging reward to their industry; I say, sir, their industry, for in that country almost every man engaged in agricultural pursuits wields his own sickle and scythe, and plows with alacrity his own fields. I may say, without exaggeration, that they have a country and population that (if need should be) could realize the boast of the better days of the English commonwealth, when "every rood of ground maintained its man." Many of these memorialists came to that country while the wandering and marauding Indian tribes held there a divided empire with the arts and enterprise of civilized life. They have lived, in half the length of years allotted to the life of man, to see the then unbroken forest disappear, and rich plantations, covered with luxuriant crops, rise up in its place. The Bank of the United States has, for the last fifteen years, furnished a capital for their trade,

and a currency which represented truly the exchangeable value of their property. This currency, always as good as gold or silver coin, is now rapidly disappearing, and the paper of State banks, having an estimated value never equal to its nominal amount, as rapidly taking its place. Experience, (that sure but, in these times, too much neglected teacher,) dearly bought, almost fatal, experience, has taught them that this last can not subsist without some power stronger than charter stipulations to regulate and control it. In the present state of affairs they look with fearful anticipations to that ruinous condition in which the establishment of the United States Bank found them, and from which the excellent administration of its functions, as a regulator of currency, redeemed them. Without this institution, they expect to see again currencies of different values in different parts of the Union, with a difference of exchange operating, as it once did, as a tax, varying from two to ten per cent., on every article they buy from the Atlantic cities. They expect to see State banks, all over the country, sinking into hopeless insolvency, leaving immense amounts of their paper worthless, in possession of those who have earned it with the labor of their own hands. They already feel the baneful influence of a deranged and vicious currency, in the depression of prices and general stagnation of trade. They see in that paralysis which has benumbed the great mercantile cities of the North and South-west, the near and sure approach of ruin to themselves—for they look to those great

hearts of trade for the life-blood which is to nourish the industry and enterprise of that rich interior of which they are a part.

These memorialists believe that the evils, present and prospective, of which they complain, are to be traced to the late act of the Secretary of the Treasury in withholding the revenues of the country, the money of the people, from the United States Bank, where it had been heretofore safely kept and usefully employed. They assert, what is now conceded by all, that the money of the Government and people was safe in the custody of the United States Bank, and fear that it is not so in the State banks that now have it. They insist that as the safety of the public treasure in the United States Bank is not denied, and as the bank has performed faithfully the duties pertaining to its fiscal agency, that the withdrawal from it of the public deposits, is indefensible upon principles of national good faith or sound policy. I have already informed you, that this memorial comes from a county bearing the venerated name of Warren. Having ever present to their minds the glorious associations connected with the name of "the first great martyr to the cause of liberty," it is not to be expected that they should speak in "bated breath and whispering humbleness" of power usurped or power abused. In a strain of honest indignation, they declare the late conduct of the Secretary of the Treasury to be unwarranted by the Constitution or laws of the land. They appeal to Congress as the guardians of the law and their constituted agents,

for redress. They ask you to vindicate their violated Constitution and broken laws, by an immediate restoration of the public moneys to their former place of deposit. They pray you to recharter the United States Bank. These measures are respectfully demanded of us as the only means by which lost confidence and quietude can be restored, and their prosperity, now rapidly declining, arrested in its downward career.

[The above remarks were made April 7th, 1834. On the 28th, Mr. Corwin presented the Memorial from the citizens of Clinton county, and spoke as follows:]

I AM charged, Mr. Speaker, with the duty of presenting a memorial to this House from one of the three counties composing the district I have the honor to represent. This memorial comes from Clinton county, in the State of Ohio. It is signed (as two most respectable gentlemen of the county inform me) by thirteen hundred and one citizens and qualified voters of that county. These are composed of all the trades and professions common to the country, but chiefly farmers—men who plow, and sow, and reap their own fields. The facts they set forth, and the opinions they hold, are not the offspring of a sudden excitement, produced by the agitations that often prevail without cause in large and populous cities, but the deliberate, well-considered judgment of each man's own unbiased understanding.

Gentlemen who have not looked closely into the habits and pursuits of the people who inhabit the

interior agricultural regions of the West, can have but a faint idea of their true character. On a footing of the most perfect equality in all their civil and political rights; independent in the fullest sense of the word; their own labor crowned with the common blessing of Providence, places them beyond all dependence upon mortal man. Such, emphatically, are those whose prayer I now present to this House. Their minds, invigorated and purified by healthful, innocent labor, are not subject to artificial and unnatural excitements; nor can such a people be subject to that most vulgar intemperance of a deranged heart—a diseased craving after notoriety, and the miserable indulgences of mere worldly distinction. These memorialists assert that, within the last few months, they have experienced great scarcity of money, and depression of prices of all the productions of their country. The existence of those evils has been often denied here. I now offer to prove them by thirteen hundred witnesses, as respectable as any equal number to be found in America. These, sir, are not the assertions of a party. At a late election in that county for representatives to the State Legislature, there were polled 1,410 votes—1,301 voters of the same county sign this memorial. This exhibits a unanimity not to be found where political party machinery is at work. They pray you to restore the public moneys to the custody of the United States Bank; and, believing a national bank to be a national benefit, they ask a recharter of the old, or the establishment by law of a similar

institution. I need not add that, next to the approbation of my own conscience, it gives me pleasure to find that I am sustained in the course I have pursued here on these great and exciting subjects, by so large and respectable a portion of my constituents.

ON THE CONSTITUTION OF MICHIGAN.

[THE consideration of the President's Message transmitting to Congress the Constitution and other documents originating with a convention in the Territory of Michigan, with a view to the formation of a State Government, was resumed in the House of Representatives, December the 28th, 1835. The question of boundary between that Territory and the adjoining States (which, at one time, threatened a collision between Michigan and Ohio), incidentally came up during the debate; and in reply to Messrs. WILLIAMS, of N. C., and MASON, of Va., Mr. CORWIN rose and said:]

IT was not his intention, at the opening of this discussion, to protract the debate a moment; but he was compelled, by a sense of imperative duty, to ask the attention of the House, for a few moments, to a view of this subject, presented by the gentleman from Virginia [Mr. Mason] who had just taken his seat. He had also a word to say (if he had rightly understood him) to the gentleman from North Carolina [Mr. Williams].

The gentlemen, said Mr. C., seemed both to consider the question of boundary between Ohio and the proposed State of Michigan as a judicial question. It is very clear that, if this be a judicial question purely, it will be difficult to establish the right of this House to adjudge and determine it. It is of great importance, Mr. Speaker, that we should understand well, before we act, whether we are acting within the scope of our acknowledged constitutional powers. If there

be a doubt, therefore, whether this question of boundary, or any other which may belong to the main proposition, (the admission of the new State,) be a question proper to be decided here, or referred to the judicial department, that doubt should be sufficient to send the whole to the Judiciary Committee—that committee being, both by the law of this House and its practice, our legal and Constitutional advisers.

Gentlemen will see the propriety of bringing this subject, with all its attendant topics, to the notice of that committee, when it is once perceived that the question of boundary can not be separated from the question of admission of the new State into the Union. It is incontrovertible that we have no power to alter, modify, or amend, the constitution of Michigan. This can only be done by a convention of the people of that territory. They have sent us an entire instrument, under which they proposed to become one of the American confederacy. We must therefore admit them with the constitution of their choice, as it is here presented, or we must reject them, if there be anything in that constitution which compels us to that course. If gentlemen will turn to the constitution of Michigan, it will be seen that it ordains as well the boundaries of the proposed State as the rights, civil and political, of its inhabitants. They propose to become a portion of the Union, in the new character of a sovereign State, with territorial limits which comprehend a large and most interesting portion of two other sovereign States, to wit: Indiana and Ohio. This is determined by a glance at the maps of the

country. The committee, then, which shall be charged with the investigation of this subject, must either leave that part of the constitution of Michigan, which ordains the boundaries of the State, out of view altogether, and admit them to come into the Union, claiming, if you please, to impose her form of government on all the people and over all the territory of Ohio and Indiana, or they must decide whether that portion of disputed territory, comprehended within the limits of the new State, belongs in truth and by law to Michigan, or to Ohio and Indiana, according to their known claims, respectively.

Will any committee, or will this House, admit a State into this Union without ascertaining its territorial jurisdiction? Or will they, if it can be avoided, admit a State into this family of republics, with a license to sue one or two of her sisters? When she comes and knocks at your door, asking permission to come into your house, that she may thereby more easily fight for and dispossess two of its old inmates of a portion of their property, will you take her by the hand and spirit her on to litigation, or more probably to a contest of force? Sir, I am very sure no such fatuity will ever possess this House; it is certain that no such necessity is imposed on us. What, then, will your committee do? They will examine and determine whether the constitution of Michigan is consistent with the rights of Indiana and Ohio.

I ask the gentlemen, not merely of the legal profession, but those of every class in this House, to whom they would apply for an opinion on such a

subject, were they personally interested? Michigan claims to extend her constitution over the citizens of other States as now constituted, by virtue of a supposed compact, to that effect, in the ordinance of 1787. How is the force of that claim to be ascertained? Who shall say whether a particular clause in that ordinance rises above the changeable and repealable character of ordinary legislation, and assumes the more sacred and inviolable nature of a contract? No man, however elevated his general attainments, can be found vain enough to imagine himself competent to give an intelligent and safe answer to the question here involved, unless he be to some extent conversant with law as a science. Again, sir: The ordinance under which Michigan claims is but a law of Congress. Ohio and Indiana both claim under acts of Congress and compacts made with them as States. If these conflict, who is competent to determine which is paramount to the other? To what committee, in short, does this House refer questions of law? The answer given in every other case to this question has been uniform—"the standing committee on the Judiciary." Gentlemen who look only to the isolated fact of admission into the Union, will find that they can no more arrive at that point, without first meeting and deciding all the grave questions of law I have suggested, than they could transfer themselves from this hall to the northern lakes, without passing over the intermediate space.

I hope gentlemen will not deem it beneath the dignity of this House to consult in this matter a little

the feelings and views of both parties to this question of boundary. With them it has always been viewed as mainly a question to be resolved by a right construction of the acts and laws of Congress. It has thus been contested on both sides. You are appealed to as a final arbiter. They will expect you to call to your aid that committee to whom the nation look for correct opinions when construction of law is the question. Who has ever heard, till now, of submitting a legal proposition to the committee on the Territories? Sir, I disclaim all idea of drawing comparisons between the individuals composing either of these committees. I only insist that the laws of the House have assigned to each their appropriate function, and the Speaker is presumed to have arranged the talent of the House in reference to those laws. For the people of my own State I only ask a fair trial, and in the usual way. Give them these, and those fearful excitements, of which the gentleman from Virginia has spoken, will be at once subdued into acquiescence in the decision, whether friendly or adverse to their claims. But should this House, to whom the appeal, in a generous confidence, has been made, blunder in the dark upon a wrong and unusual course, and ultimately decide against them, we may then look for agitations, accompanied with more frightful violence than the gentleman has imagined.

I flatter myself that it is apparent to all, that now is the most propitious time to settle this unhappy controversy. I imagine all will agree that it is competent for this House to settle it. I entreat

gentlemen not to think of leaving the question open. I appeal to the gentleman from Virginia, whether he could take pleasure in seeing three sovereign States prostrate before the judicial tribunals, asking of your courts to determine whether they were States! or, if States, whether they had any territory, and how much! Sir, unbounded as my confidence has been, and is, in the federal courts, for their sakes, as well as the country, I do not wish to see questions which agitate great political communities brought frequently before them for decision. To avoid this, and to put forever beyond the power of contest this cause of discord and disunion, I entreat the House to send this subject to the only committee competent to analyze and present in a connected view all the questions that cluster round it; and, with such a report, I do not permit myself to doubt but the House will come to a conclusion as satisfactory to, as it will be obligatory upon, all concerned.

ON THE SURPLUS REVENUE.

[THE business first in order in the House of Representatives of the United States, Thursday, January 12th, 1837, was the bill reported by Mr. CAMBRELING, from the committee of Ways and Means, to reduce the revenue of the United States to the wants of the Government. There being two motions pending—first, for commitment, and, secondly, for indefinite postponement—Mr. CORWIN arose and addressed the House as follows:]

MR. SPEAKER:

I feel deeply sensible that I am about to occupy the time of the House upon a subject which can not possibly be matured into legislation during the brief period that remains to us of the present session. It is the conviction that the bill before you, ushered into this House with a haste bordering upon rashness, contains within its provisions principles too momentous and vitally affecting a large portion of the country to be acted upon this session, that impels me to solicit the attention of the House to my reasons for sustaining the motion of the gentleman from Massachusetts [Mr. Lawrence] for the indefinite postponement of the bill. Sir, I am not sure that my thorough conviction of the necessity of tranquilizing the public agitation, which the presence of this bill here will excite, by an immediate rejection or postponement of it, would have overcome my habitual aversion to addressing the House, had I not, in common with my friends from Massachusetts and Penn-

sylvania, felt that such a course could alone insure the minority of the committee, with whom the bill originated, against misunderstanding, as well here as among those whom we represent. Had the motion to lay the bill and report on the table and print them prevailed, a paper most elaborate in its structure, and voluminous in its dimensions, would have gone forth to the country, bearing upon its face no intimation that the whole committee did not concur in it. To prevent the possibility of such misconstruction, I feel it a duty to those who have honored me with a seat here to present my protest, against both the bill and the report which accompanies it, at the earliest moment possible. This poor privilege, sir, we had been denied yesterday, by the House, but for the timely substitution, by my friend from Massachusetts [Mr. Lawrence], of the motion for "indefinite postponement" for that which was made by the gentleman from New York [Mr. Cambreling]. The latter motion, by the strict law of parliament, did not permit the minority of the committee to utter even a syllable by way of dissent to the principles of the bill or the report. Courtesy, however, it seems, had uniformly conceded to a minority thus situated what the rigid rule denied; but, in our case, the gentleman from New York [Mr. Mann] pertinaciously insisted on the letter of the law. Courtesy became inconvenient, and the "iron rule" of proscription was enforced. Permit me here, Mr. Speaker, to offer my thanks to the gentleman from Maryland [Mr. Thomas] for his manly appeal to the House in

our behalf. Such exhibitions of magnanimity are rare in these times, and ought not to pass unnoticed. I did desire, sir, to see the bill disposed of without entering into a debate on its merits; but as no explanation could be even hinted at without it, I am rejoiced that the present motion was made, which opens the entire measure proposed to free and full discussion.

I shall have occasion to refer to the report, as that is the exposition presented of the principles and policy on which the bill is based. In doing this, as I have only heard it read, and have not had the advantage of a perusal of its contents, I can not pretend to quote its language, nor can I hope to be exact in giving even its substance. I am happy to see the honorable chairman of the Ways and Means [Mr. Cambreling] in his seat, who will set me right should I at any time unwittingly mistake or misrepresent the true import of his production. I am very sure the gentleman will discharge such a duty to himself and to me with the utmost alacrity. As he, I doubt not, regards this, the youngest of his financial progeny, as possessing every combination of symmetry and grace, he will not sit by and see its beauty marred, without instant interposition in its behalf.

The most obvious objection to the introduction of this bill arises from a view of its intrinsic importance, and the difficult and delicate questions which are inseparable from any proposition which proposes a radical change in the existing tariff. The whole

of the argument in the very voluminous report, which is nothing but the bill on your table, with a few facts and inferences to prop and sustain it, may be condensed into one or two sentences of plain English. It is stated (and I shall not now attempt to controvert any fact to which I shall have occasion to refer) that the existing tariff extends protection to labor employed in manufacturing in this country, the annual product of which is $300,000,000. It is assumed (and, for the sake of the argument, I shall admit it) that the protection afforded by our existing tariff laws is necessary, and no more than is necessary, to enable our own manufacturing establishments to exist in competition with foreign establishments employed in the same business. To sustain this proposition, the high price of labor and capital with us, and the comparative cheapness of both abroad, are asserted.

The report further asserts that the duties collected on imports by the rates established by the law of March, 1833, commonly called the Compromise Act, will, with the proceeds of the sales of public lands, bring into the Treasury, within the next eighteen months, more revenue, by seven millions of dollars, than the wants of the Government require. Here I beg gentlemen to observe that this last proposition is nothing more nor less than a combination of two conjectures. The first of these is, that the importations from abroad to this country, during the next five years, will reach a given amount. Whether this conjecture shall be verified must depend upon the

numberless contingent events, the turn of which no human sagacity can foresee, arising out of the present unsettled condition of trade, labor, and currency, in Great Britain; the change that may be brought about in the markets of England by the termination of the intestine wars now raging in Spain and Portugal; and, lastly, the very capability of this country to consume and pay for foreign importations must depend upon reducing to order, and stability the currency of this country, which, under the improving and sagacious guidance of this administration, has been conducted to a state of wild and unmanageable confusion. The next conjecture embodied in the proposition I have last stated from the report is, that the public lands are to be sold without any legislative or executive restraints as to purchasers or quantities. In other words, it supposes the famous Treasury circular to be repealed. I beg the gentlemen of the far West particularly to notice one feature of this report. It is based upon the supposition that the bill now on your table, reported by one of your standing committees, with that title so captivating to patriot ears, "A bill to arrest monopolies of public lands, and to prohibit the sales thereof, except to actual settlers, in limited quantities," is to be scouted, thrown out of doors, and its place to be supplied by this more recent and happy assault upon the popular ear, bearing on its front the charmed phrase, "A bill to reduce the revenue of the United States to the wants of the Government."

The House will bear in mind that this bill pro-

poses to remedy an apprehended evil. It looks into the future, and imagines that, in the next year and a half, the existing duties on imports will bring into the Treasury more money than is required for the uses of the Government by seven millions of dollars. I have already intimated that I object to the time selected for bringing into the House a measure fraught with so many difficulties as belong to every subject which proposes a radical change in our system of revenue.

Without adverting, therefore, for the present, to the merits of the bill, I feel confident I do not appeal in vain to the House to say that we can not act upon it between this day and the 4th of March. Let gentlemen look at the necessary business now before us, and then calculate the number of days remaining for its final disposition. It will be remembered that Monday in every week is devoted to the reception of petitions; Friday and Saturday of each week, by another standing rule, are set apart for private claims. From what we have already seen during half the allotted term of the session, it is not to be expected that a moment of time can be withdrawn from that allotted to petitions, for the consideration of other business. No gentleman, I am equally sure, dreams that we should deny justice any longer than is unavoidable to the many hundreds of private claims which have been favorably reported on by that committee whose awards, with rare exceptions, are considered laws to the House. There is a largo body of claimants of a miscellaneous character in

one class, and the crippled soldiers and widows and orphans, the representatives of those who have fallen in your late wars with both civilized and savage foes, in another, and a not less meritorious few of the surviving veterans of your revolutionary struggle in another class, all pointing to the reports of your own committee, and showing claims upon your justice, some of them delayed for half a century. I can not entertain so poor an opinion of the moral sense of an American Congress as to suppose it will turn aside from this work of justice and benevolence, to enter into dreamy and heartless disquisitions upon the balance of trade; to ponder over tabular statements as incomprehensible as the Sybilline books; to adjust with contemptible accuracy, the *ad valorem* duty on a foreign penknife, and this, too, for the purpose of preventing a few millions more or less from coming into that very Treasury, whose doors, in the meantime, you close against those who demand of you the payment of your honest debts, for the non-payment of which many of your creditors are languishing in poverty and want.

You have then remaining for the dispatch of general legislation three days in each week, giving about twenty-two days for the consideration of bills of a general nature, and all the appropriations for the current year. I ask the majority of the Ways and Means, who have pushed this new and perplexing subject on the House at this time, if it is modest, to say the least of it, to suppose that the House is to vote away twenty-four millions of dollars in appro-

priations, without inquiry, examination, or debate, further than to ask whether the committee of Ways and Means desire it should be done? I ask this House, whose constitutional and most important function it is to know and approve the object to which every dollar is to be applied, before it sanctions its appropriation, whether it is willing, at the mere request of a committee, to give a draft on the Treasury for nearly thirty millions of dollars, and thus become the mere ministerial agent of the Treasury department? This base abandonment of duty you must submit to, to this humiliation you must come, if you turn aside from the necessary duties of the session to consider the bill now before you; unless, indeed, you choose to rush madly upon an untried scheme, full of danger, and surrounded with doubt, upon the very reasonable presumption of the infallible wisdom of its authors.

But, Mr. Speaker, if we had all the time we could desire, for the adjustment of a new system of legislation to any real or supposed change in our condition at home, or with other nations, is this an auspicious period for the experiment? Turn for a moment to your latest advices from England. Every painful pulsation in that great heart of capital and trade is followed by a sympathetic throb on this side of the Atlantic. What is the state of currency throughout Great Britain now? The price of money rising, the banks stopping payment, and her financiers unable to foretell the time or the manner when or how this agitation shall end. Nor is our situation free from

symptoms of coming misfortune. I shall not stop to inquire into the causes of the present anomalous situation of our own currency. My friend from Massachusetts, [Mr. Lawrence,] who addressed you with so much force and clearness yesterday, has left nothing to be said by any one on these topics. Sir, the results of that gentleman's actual experience, the reflections of his sound understanding, always aided by the promptings of a good heart, are with me better authority, on such subjects, than a thousand quartos filled with speculations of closeted economists. We all know that, from some cause, trade and currency seem to be divorced from each other; domestic exchanges are no longer regulated by the course of trade, and the very report on your table complains of a redundant paper circulation. Who can tell when the causes which have produced these effects shall cease to operate? Who can say in what they will finally issue? In this distracted state of things, what are we asked to do? We are required to enact a law that shall tear from its very foundations, where they have rested for twenty years on the faith of your laws, a capital and labor which produce property equal to three hundred millions of dollars a year. Is this a time to force such an amount of capital into new employment? Is this that period of calm when so much labor can safely be driven, with sudden violence, to abandon its safe and tried pursuits, and seek at once other and unaccustomed channels? No, surely this is not that time. On the contrary, it would add another to many elements of confusion

already but too extensively and actively at work. Sir, it does seem to me that the unsettled state of the internal commerce and currency of this country is of itself an unanswerable objection to the present enactment of a law that all must see will powerfully increase the evils that already deeply afflict us. The natural instinct of brute animals, in such a crisis, would suggest caution and prudence as the course of wisdom, not rash adventure and wild experiment. If it were bad policy to protect by imposts the in dustry of your own people, if it could be shown to be unpatriotic and un-American to cherish by duties manufacturing skill, so that in time of war you might be able to furnish the commonest necessaries of life to your own people, still, having done so, however unwisely at first, since by doing it you have created an immense amount of property, it would be madness, moon-struck madness, to crush that property at a blow. Sir, by the laws now in force, if you but let them alone, in five years, by your own showing, the evil of which you now complain will cease to exist. Instead of this, we are now asked, in order to get rid of seven millions of surplus revenue, to destroy an annual production of three hundred millions; and are gravely told that this will be a most salutary financial operation. Let gentlemen keep constantly in mind that the bill and report go upon the admission (at least it is not otherwise asserted) that the duties now imposed are barely sufficient to enable our own manufacturers to continue their business. With the single exception of iron, the report on your

table will, I think, be found to be in substance as I have quoted it. If, then, you diminish that protection by curtailing it in the short space of eighteen months by seven millions, which by the law now in force would not be done till the end of five years, it follows, as a necessary conclusion, that you do abandon capital and labor, to the amount I have stated, to instant and total destruction.

Mr. Speaker, I have only suggested so much of the merits of the subject as I deem necessary to direct the attention of the House to the importance and number of the questions which we are called upon to decide, before we can safely vote for or against the bill. If, then, reflection requires time; if the exercise of reason is an agent in our researches after truth; if knowledge is not intuitive, we poor mortals, who are not gifted with those inspirations which seem to be the peculiar attributes of the authors of this bill and report, must beg a moment's pause before we decide. We must plod on in the old beaten way; we must proceed by painful and slow research; we must stop, look around us, and reflect much; and after great toil and a long journey, we may possibly reach those lofty hights of transcendental political wisdom which the authors of this bill have scaled with the speed of lightning at a single bound. Is it to be expected, I again ask, that, in the twenty-two days that remain for general business, we can canvass, item by item, appropriation bills to the amount of near twenty-seven millions,

and have time left us to labor through the difficulties that attend the bill under consideration?

Mr. Speaker, in connection with the objections to a consideration of this bill, arising from a want of time, I must remind its authors, and the political majority of this House, of another subject, which, in justice to themselves and to the nation, they are bound to bring forward at the present session. I allude to an amendment of the Constitution, so that the election of President and Vice-president of the United States may, in no event, ever devolve on Congress. We are now approaching the termination of those eight years during which General Jackson has occupied the presidential chair. I believe each annual message to Congress, during all that time, has adverted in strong and sometimes imploring appeals to the National Legislature on this subject. I know that gentlemen have heretofore excused their neglect of these suggestions of the President, by saying that there was in the Senate a political majority opposed to them; and, therefore, the great reform, so much desired by the President and his friends, must wait till that opposition was subdued. Sir, whether fortunately or otherwise for the republic I will not say, but the fact is, that favored time, so long prayed for, has at length arrived. There is now a clear majority, in both branches of Congress, friendly to the existing administration. Now, a time has at length come, when we may with confidence call upon the friends of General Jackson to redeem his and their pledges,

so often given, on this vital subject. I call especially at this time for action, and not promises and postponement. General Jackson, after this session, will be no more here, to admonish or advise us touching this interesting subject. It has made an imposing figure in that revolution which has subverted all the maxims of polity and law, whensoever and howsoever they were opposed to his suggestions. It has been a theme on which honest patriots and designing demagogues have dwelt with equal skill and power. The President, for the last time that his voice can ever be heard in public council, in language which bespeaks deep and abiding solicitude, again beseeches you to act. Hear what he says in his last message to Congress. Nearly at the close, and when he is about to bid a final adieu to you and the cares of public life, he gives this subject to your especial charge, with all the solemnity of a dying declaration. He says: "All my experience and reflection confirm the conviction I have so often expressed to Congress in favor of an amendment to the Constitution, which will prevent, in any event, the election of President and Vice-president of the United States devolving on the House of Representatives and the Senate; and I, therefore, beg leave again to solicit your attention to the subject."

Is there, then, any reason now for not carrying this recommendation into effect, by the party having the power, in both House and Senate, to do so? None. I call, then, upon the "Democratic party," as you of the majority sometimes (as if in derision of the name)

call yourselves, to postpone this new experiment on finance; dispose of it at once for this year, because it stands in the way of a constitutional reform, on which, by your own admission, depends all your hope of liberty. Do this, or take the consequences. If you now refuse to act, when you have the undoubted power to redeem your pledges, so often and solemnly given, the people of this country will believe that all your promises and professions were not the promptings of patriotism, but rather the hollow and selfish artifices of a shallow hypocrisy. However uncharitable some gentlemen might deem such a conclusion to be, in my judgment it would be most reasonable and just. Our conduct admits of no other explanation, if we consume the time allowed us in discussing the difference between two systems of revenue, and pass by unnoticed another subject, which, by our own declarations, repeated in every form, touches our existence as a free people.

Sir, I might here content myself with thus expressing my objections to the introduction of this bill, at this time, by the committee of which I am a member. I have endeavored to satisfy the House that the necessary bills, without the passage of which the Government can not execute its ordinary duties during the year, must occupy us the entire remainder of the session; and if we should possibly have any time not thus necessarily employed, that there are other matters of high and paramount national importance, which should take precedence of this. But there is another objection resting with great weight

on my mind, which I can not forbear to press upon the attention of gentlemen before I take my seat. I allude to the Compromise Act, as it is familiarly called, of March, 1833. If I am right in my conceptions of the true character of that law, we are not only forbidden to legislate in the way now proposed at this time, but that we can not so legislate until after the 30th of June, 1842, without such sacrifice of honor and implied faith as would make a bandit blush.

I shall not pretend that Congress has not the power to alter essentially, or, if it will, abolish the law fixing the rates of duties on a scale of gradual reduction from 1833 up to 1842; but I deny the right of Congress to do so, unless impelled by some dire necessity, over which it can exert no control. War, that greatest of all the ills that can befall a well-governed people, might present a case of such necessity. No such necessity is pretended. No gentleman here will risk his character for sanity, by rising in his place and declaring that, without a law like that on your table, the liberties or happiness of the people are in danger. No man, here or elsewhere, can pretend that the Compromise Act of the 2d of March, 1833, contains any principle which menaces the general welfare of the country, or that its operation and effects threaten our national prosperity with imminent danger. On the contrary, sir, the echoes of that general note of acclaim, which reverberated from one extremity of the Union to the other, at the passage of that law, are at this moment scarcely silenced.

Our circumstances are not changed since the passage of that law, in any way connected with its provisions or policy. Hence I infer that, as that law, in its terms, fixes the measure of protection which shall be extended to domestic manufactures up to the year 1842, and as it was considered in the light of an arrangement, permanent up to that time, by the Congress who enacted it; and, further, as it was so regarded by both the friends and foes of the protective system, all over the country, and as those engaged in manufacturing shaped their business, and disposed their capital, in conformity to this general opinion, although you have the power, you have no right now to annul your understood engagement, when by so doing, a capital and labor so great as to produce three hundred millions a year, which have been invested under the faith thus pledged, must be at once destroyed. By altering essentially, as you propose to do, the act of 1833, you bring upon this labor and capital what is equal to destruction; you sever them by violence from their present business connections, and leave them to the mercy of accident for future occupation. I beg gentlemen to turn to the law of 1833, and see how all the features of a compact and permanent engagement are carefully impressed upon it.

The first section, taking up the protected articles, or such as paid a duty above twenty per centum *ad valorem*, subjects them to a scale of gradual reduction from 1833, until all are brought down to a duty of twenty per centum *ad valorem* in 1842. Why were

the several periodical reductions adjusted so carefully through a period of nine years, if the law was not expected to continue in force for that length of time? Let any gentleman reflect on the history of that law for a moment, and he can have no further difficulty in finding the principles of a permanent compromise in it. Two great parties, as we all know, existed in the country. These were known by the designations of tariff and anti-tariff. The anti-tariff party, chiefly comprised in the Southern and South-western sections of the Union, demanded an abandonment of the protective principle, and a reduction of duties to a revenue standard alone. They alleged, that as they were consumers, and not producers of those articles which were protected by law, they paid to the producer (in the protective duty) a bounty upon his labor; and insisted on the injustice of thus taxing the planting States for the benefit of the Northern manufacturing States. Such was the argument on one side, whether correct or not, I shall not here pause to consider. On the other side, those friendly to the protective system alleged that the policy of protection was begun early in the history of the Government; that especially since 1816 it had been pursued with such vigor and constancy as not only to invite capital but actually to impel it into the business of domestic manufacture. They insisted, and with the most obvious reason, that to withdraw suddenly that protection would result in ruin to the capitalists, and wide-spread misery to the laboring classes. They proposed a system of gradual reduction of duties, which would

give time for the acquisition of skill, so as to enable them to operate with little or no protection, or, at the worst, (if time were given,) a gradual and comparatively harmless withdrawal of their capital and labor from manufacturing pursuits could be effected. To this proposition the South acceded, and its substance will be found embodied in the law of 1833. Thus gradual reduction, extending through a series of years to 1842, saved the manufacturer, while the prospective reduction of duties on all protected articles to one standard satisfied the principles contended for by the South. When this was settled, to make it binding and irrevocable till 1842, the parties inserted in the third section of the bill their solemn declaration to that effect. The section referred to reads as follows: "*And be it further enacted*, That until the 30th day of June, one thousand eight hundred and forty-two, the duties imposed by existing laws, as modified by this act, shall remain and continue to be collected." Could your language furnish words more emphatically expressive of a declaration by Congress that no change was to be made in this branch of your revenue system till June, 1842? Did you then expect your people to place no reliance on what you thus solemnly proclaimed as your determination? No; you did not expect the American people to treat you as hollow-hearted knaves, attempting to impose on their credulity. The sole object of proclaiming to them the unalterable character of the law of 1833 was to quiet the fearful agitation that then everywhere prevailed, and give stability to that interest—

the manufacturing interest—which was most to be affected by your acts. What, sir, were the happy, the glorious effects of that compromise? The day before that law received the President's approval was overcast with the gathering cloud of civil war, deepening, spreading, and blackening every hour. The ground on which we stood seemed to heave and quake with the first throes of a convulsion, that was to rend in fragments the last republic on earth; at this fearful moment an overruling Providence revealed the instrument of its will in the person of one man, whose virtues would have illustrated the brightest annals of recorded time. He produced this great measure of concord, and the succeeding morning dawned upon the American horizon without a spot; the sun of that day looked down and beheld us a tranquil and united people.

Are we prepared now to break the bonds of peace, and renew the war? I have said you have the power to do so, but I deny your right. I do not measure that right by the standard of law in a municipal court. I can not conceive any idea more ridiculous or contemptible than that which finds no standard of moral or political duties and rights, for a Christian, a private gentleman, or a statesman, except that which is applicable to a contest before a justice's court or a *nisi prius* jury. No, sir, I appeal to a law in the bosom of man, prior and paramount to this. I appeal to the South, where I know that law will be obeyed, and where I know I do not appeal in vain. I invoke its characteristic chivalry. I call for that sentiment

of manly pride which is its offspring. I summon to my aid that sensitive honor which feels "a stain like a wound," which abhors deception, and shudders at violated faith. Will that South, which I am sure I have truly described, join in this odious infraction of its own treaty, and unite in this miserable war upon the laboring thousands who have confided in its securities—a war not waged with open force and strong hand—a war not waged to avenge insulted honor, but to recover the difference between five and ten cents duty upon a yard of cotton goods? Your approach to this battle is not heralded by the trumpet's voice; no, you are to take the proposed bill, and go on a marauding expedition, by way of reprisal. You are to steal into the dwelling of the poor, and boldly capture a mechanic's dinner! You are to march into the cottage of the widow, and fearlessly confiscate the breakfast of a factory girl, for the benefit of the planting and grain-growing States of this mighty republic! Such are the motives for this war, and such are to be the trophies of its victories. How little do they who have presented such arguments as these, in this report, know of the character of the people of the South and West! They vainly imagine that the high-minded sons of the South have drank of the fatal cup of the sorceress, and, like the companions of Ulysses,

"Lost their upright shape,
And downward fell into the groveling swine."

The great grain-growing States of the West are informed, in this report, that they may reclaim a

part of the tribute which, it is told them, they have been paying without equivalent, if they will agree to this bill. Let me tell the gentlemen, that the West must first be satisfied they are free in honor to obey this call. The hardy race that has subdued the forests of the West, and in their green youth have constructed monuments of their enterprise that shall survive the pyramids, is not likely, from merely sordid motive, to join in inflicting a great evil on any portion of our common country. The fearless pioneers of the West, whose ears are as familiar with the sharp crack of the Indian's rifle, and his wild war-whoop at midnight, as are those of your city dandies with the dulcet notes of the harp and piano, they, sir, are not the men to act upon selfish calculations and sinister inducements. They hold their rights by law, and they believe that compacts, expressed or implied, arising from individual engagements or public law, are to be kept and defended with their lives, if need be—not to be broken at will, or regarded as the proper sport of legislative or individual caprice.

Mr. Speaker, we have heard much of late that is new to us, if not alarming, on this subject of legislative compact. From authorities of no mean consideration we have heard it boldly preached that the validity of a compact arising out of law is an exploded paradox. It is represented as a relic of "old times," and we are told that it is inconsistent with the liberties of the people. The liberties of the people! It was to establish "the liberties of the people," that

Robespierre and his infamous associates preached the same doctrine to the deluded and frantic populace of France. Is the American government now to adopt this creed of political faith? How long is it since we were about to wage war with France for refusing to fulfill a treaty which, in the language of our Constitution, was nothing more than "the supreme law of the land?" For this we were ready to launch our thunders upon the seas, and arm our whole population for the contest on the land. We required the proud monarch of the most warlike nation of modern times to humble himself before the offended majesty of "public law." It is for a supposed violation of "public law" that your armies have been alternately hunting after, and flying before, the fierce Oceola, for a whole year, through the lagoons and hommocks of Florida. It is not to be supposed that a people, thus acting, can be brought to disregard like obligations, whether contracted by express or implied compact, with its own citizens.

I hope, sir, I shall be pardoned for dwelling, it may be, somewhat too long upon this topic. I must now call the attention of the House for a few moments to what I deem a singular phenomenon in our history, as set forth in the report on your table. It is said that the planting and grain-growing States have, since 1789, paid to the manufacturers of this country about three hundred and fifty millions of dollars, for which they have received no equivalent. Sir, if this be true, since the Israelites were required by the Egyptian tyrant to make bricks without

straw, there is no parallel to such monstrous oppression.

I have already stated that I will not pretend to quote the precise language of the report. I am sure it is stated that duties on imported articles to the amount of six hundred and eighty-two millions of dollars, beside thirty millions for its collection, have been paid since the year 1789. It is also stated in the report, that more than one-half of this aggregate had been levied on protected articles. The whole scope of the report labors to prove that this duty on protected articles is a grievous and oppressive tax on consumption, for which no equivalent is received in return. Connected with these positions, the author of the report endeavors to show that the planting and grain-growing portions of the Union were, and are, the consumers, and the few Northern manufacturing States the producers, of the protected articles; that the former are the payers, and the latter the receivers, of the duties; which duties are represented as a mere bounty to the labor of the North, for which the South and West never have been, and, in the nature of things, never can be, reimbursed. Sir, I shall not now trouble the House, nor my friends, who put forward this fact as a truth proved by figures and tabular statements, with any argument opposed to it, but I must be allowed to advert to it as a Western man with feelings of pride. At the same time, I must, in common with others, labor under some doubts of the fact asserted, arising out of the known history of the last twenty or thirty years.

If the West and South-west have paid their due proportion of this unjust and unremunerated tax of three hundred and fifty millions within the last forty years, while, at the same time, they have, as the world knows, conquered the savages who possessed the whole Western and South-western territory, cleared the thick forests which overshadowed it; in short, if that portion of the United States has, in less than half a century, as all admit, reached a point of improvement in wealth and arts which other times and people required ages to achieve, then, I say, I may with pride and confidence challenge the whole world, within the period of authentic history, to parallel the wonderful people which I have the honor, in part, to represent.

But, Mr. Speaker, sober reality and stubborn facts compel me to repress this exultation at our fancied superiority; modesty compels me to doubt whether truth places us so far above common mortality as this report has done. Facts, known facts, those unaccommodating things that ruin so many beautiful inventions of fertile and ingenious minds, are constantly thrusting themselves before, and in the way of, the figures and philosophy of the gentleman who has labored in this report to push by them, and drive over them, to reach his favorite conclusions. You will observe, Mr. Speaker, that we are told of the "treasuries other than those of the United States," into which this enormous tribute of three hundred and fifty millions has been poured. In the same connection you hear of the "princely establishments"

that have been reared up and sustained by it. The "princely establishments" are in the Northern manufacturing States. The "princes" to whom the tribute is paid are the people of this happy, favored region. Where, sir, are the poor oppressed tributaries, according to this report? Why, sir, in that sinking, ruined, wasted wilderness, the West!

The author of this report, under the influence of a too fervid imagination, has spurned the shackles and broken through the embarrassments arising from facts connected with the scheme of his theory. He represents the Northern manufacturing States as another imperial Rome, seated on her seven hills, rioting in the luxuries of the despoiled and impoverished South, her treasuries bursting with the enormous wealth poured into them from the ravaged and desolated provinces of the West. Manufacturing is pictured as the finger of Midas, turning everything it touches into gold, while it would seem that growing grain and planting cotton brought only taxation without equivalent, poverty, and unrequited toil. Sir, if all this were true, what would follow? The people of this country, however they may be excelled by other nations in the walks of letters and the polite arts, are known to be shrewd and well-informed, touching their own pecuniary interests. Such a people would be found rushing into the manufacturing districts, to reap harvests of wealth, and wallow in monopolies that drained every other portion of the Union to swell their accumulation. Such a people would be found to shun, as a land of pestilence and

death, the agricultural region, where nothing awaited them but taxation, and consequent poverty. Sir, I regret that fact, and the truths of history compel me to spoil the beautiful theories and exact calculations of this admirable report; but, sir, truth, however unwelcome, will be found, at last, the safest guide, in wandering through the labyrinths of speculation and theory. What, sir, is the fact? Why, for thirty years the tide of emigration has been from this very land of wealth, and not to it. The exodus has been from the land of promise, to the house of bondage. The shrewd Yankees have been flying from wealth, and ease, and monopoly, in their own country, to this very oppressed grain and cotton-raising region of the West, seeking taxation, oppression, and want! For these last three years, as every American (except the authors of this report) well knows, population from the Northern States has been plowing its way through the ice of the Northern lakes, and bursting over the mountains, till the roads and rivers are literally choked with its masses. Where are these colonists going? To the West, to raise grain, and be taxed! To the South-west, to grow cotton, and become poor! Such is the reasoning of the report. Now, I beg to know whether it is not taxing our good nature quite too far to ask us to believe, and act upon, ingenious theories, and long columns of figures, standing, as they do, opposed to facts, admitted, known, and understood, by every man in this Union over twenty-one years of age. To come to the conclusion at which the report has arrived, we are required to

admit that man is blind to, and careless of, his own personal advantage. Nay, more; the authors of this report require you to deny to our American race the common instinct of all animal creation. The philosophy of this report teaches that man shuns ease, and desires toil; that he hates pleasure, and loves pain; that he eschews wealth, and courts poverty; that he flies from power, and seeks subjection. All this jumble of contradictions we are required to admit as self-evident truths, simply to explain existing facts in a way not to contradict this erudite treatise on trade and finance.

Mr. Speaker, I know it is impudent to obtrude our crude notions upon those to whom, from their position, we are taught to look for the lessons of wisdom; but I hope I may be allowed to inquire of the majority of the "Ways and Means," whether it had not been better had they reviewed slightly their philosophical reading, before they sat down to the arduous task of writing the production now before us? Had they turned to the pages of Bacon, with which I am sure they must be familiar, they would have found a maxim which, since the days of the great author of the "inductive philosophy," has never been disregarded. I think, if my memory is not at fault, it teaches that in all our researches after truth, we must reason "*ex præconcessis aut ex prægognitis.*" For the benefit of my unlettered Western friends, I am bound to render myself intelligible, by giving it in their own mother tongue. I will not be responsible for accuracy, but I am sure

I shall not mistake the substance. The rule simply requires us always to reason from facts previously admitted, or previously known to exist.

Had this rule been observed, the authors of this report might have remembered that the oppressive tax on the cotton grower, paid in the shape of duties, was in some measure repaid him by a market for 350,000 bales of his cotton in this country every year, which market he could not have without the tax. It might have occurred to them, that the grower of grain, who paid his proportion of the duty on protected articles, was not so badly off, since he found, in those "princely establishments" spoken of, a market for his flour, pork, and beef, which, without these establishments furnishing a market, might have rotted on his hands. They might have thought the immense emigration to, and vast improvements of, the West were facts worth attention, in ascertaining whether that West was oppressed by the tariff, in a way too grievous to be borne. Far be it from me to assert, sir, that these facts would have puzzled the gentlemen; I only mean to say, sir, that vulgar and coarse minds would have been better satisfied with the report had some notice been taken of them.

Before I take leave of the subject, I wish to notice a few other difficulties which oppose the consideration of this bill at this time, and which spring from a source that will not be disregarded by the majority of this House. It will be seen that the bill proposes a reduction of our income, within the next eighteen months, of seven millions. A very considerable por-

tion of this reduction falls on the receipts of the present year. The question I ask here is this: Can the treasury bear this curtailment of its resources now? To answer this, I appeal to an authority which, for these last two years, has never been questioned or doubted by the gentlemen who present this bill to the House. I allude to the annual report of the Secretary of the Treasury, made on the 6th of December last.

The receipts into the treasury, from all sources, during 1837, are estimated at $24,000,000. I quote the very language of the report. Gentlemen will find I am right, by reference to Document No. 2 of this session, page 4. After enumerating the various sources (such as customs, public lands, etc.) from which this amount is derived, the Secretary proceeds to compute the amount of expenditures for the present year. I shall give his own language, from the same document, page 5:

"The expenditures for all objects, ordinary and extraordinary, in 1837, including the contingent of only $1,000,000 for usual excesses in appropriations, beyond the estimates, are computed at $66,755,831, provided the unexpended appropriation at the end of this and the next year remain about equal."

Here gentlemen will see that, instead of reducing the revenue down to the wants of the Government, our income, from all sources, in 1837, falls short of our expenditures, as estimated, nearly $3,000,000. If the Secretary is right, (and will the gentlemen of the majority be so bold as to say he is wrong?)

then the effort should be to increase the taxes, to raise the revenue up to the actual wants of the Government. And, sir, if it were not for the five millions, which are kept in reserve for extraordinary demands on the treasury by the deposit bill of last year, according to the calculations of Mr. Woodbury, we should be compelled now to increase the duties on foreign merchandise during the present year, or borrow money to meet the demands on the treasury. Let us see what the Secretary further says, on page 5 of the same report. I again quote his own words:

"From these calculations, it will be seen that, if the outstanding appropriations, unexpended at the close of 1837, be as large as at the close of 1836, and the other expenditures should agree with the above estimates, they would exceed the computed revenue accruing from all sources nearly $3,000,000, or sufficient to absorb more than half of that part of the present surplus which is not to be deposited with the several States. But if these outstanding appropriations, at the close of 1837, should be much less than those in 1836, as is probable, or should the accruing receipts be much less, or the appropriations made for 1837 be much larger than the estimates, a call will become necessary for a portion of the surplus deposited with the States, though it will not probably become necessary, except in one of those events."

In the extract I have read, the Secretary has quite distinctly told us that the probability is we shall not only absorb all the accruing revenue, and the five millions not deposited with the States, by the expen-

ditures of 1837, but that the States will be called on to repay a portion of the money deposited with them, to meet the wants of the Government during the present year. How, sir, does the policy of reducing the revenue, as proposed in this bill, agree with this state of things? Pass the bill, sir, and in eighteen months, it is said, you will save in the pockets of the people seven millions, which would otherwise be drawn from them by the laws now in force. And, in the same time, if you place any confidence in the Secretary of the Treasury, you will be compelled to take from the people of the States (who are to have the use of the money deposited with them) an equal amount, if not more. What a miserable piece of bungling jugglery would this be! You simply take seven millions out of one pocket of the people and put it into the other, and gravely tell them you have saved to them seven millions of money by the process. Sir, the people of the States are not to be thus deceived. Let them look to this measure and its sure results. It is designed to bring about a state of things which will compel a call on them for the surplus revenue deposited with them, and which I am happy to see their legislatures are using to the general advantage of their constituents.

But it is possible, the friends of the Secretary will tell me his conjectures and calculations are not to be relied on. Shall I receive that answer from the gentlemen composing the majority here? Whose authority is it that is thus to be contemned? The very man whose behests have been laws to the committee

of Ways and Means ever since I have had the honor to be one of them. Sir, I have observed that it has been thought by that committee not only unwise, but even contumacious, factious, rebellious, to oppose any demand or to doubt any view taken by the Secretary of the Treasury. Nay, sir, I have thought sometimes that his friends on that committee considered it conclusive evidence of essential vulgarity; it was proof with them that a man had not seen "good society," if he presumed to question the propriety of any estimate or any requisition coming from that high and responsible source. So prevalent were these opinions, that I fear I have sometimes yielded my assent to appropriations, merely to preserve my character for "gentility" with the "*haut ton*," who compose the majority here, as they do in the committee of which I am a member. How is it, then, that we are now to dismiss all regard to the suggestions of this officer? Has not the President certified to you that he has discharged his duty with great ability and great fidelity? Do we not hear his friends everywhere extolling him to the skies for a prodigy of financial wisdom? Did not the President select him for his great and comprehensive knowledge of that most perplexing of all sciences—political economy; for his large and accurate acquaintance with the channels of trade and the sources of national wealth? Surely no one of the majority will doubt this. Now, sir, what respect is paid to his opinions, his "official opinions," by the bill and report on your table? True, it can not be denied, for the President

has said it is so, that he has discharged his duty with fidelity. Is it not unkind, then, in his own friends, his "ministering servants" of the Ways and Means, to treat his labors with such cruel indifference? See him day and night watching the various currents of trade that bring wealth to the people, and revenue to the Treasury; sacrificing his ease and health to those "thoughts which waste the marrow and consume the brain;" year after year denying himself, with stoical fortitude, the gayeties of this most refined and fashionable city, brooding with ceaseless and anxious care over the Treasury, if not the treasure, he sits like "sad Prometheus fastened to his rock." And now, sir, as if they were determined that this Titan of the Treasury should realize the fate of this prototype of old, his ancient friends, it seems, by some magical change, turn tormentors, and are prepared to thrust their vulture-beaks into his liver, and, with remorseless voracity, devour his flesh, without ever terminating his pain. Sir, to drop figure, and speak in plain prosaic English, this bill asks you to treat every opinion of the present Secretary as stupid nonsense, and take as infallible truth the conjectures of this report in their stead. I ask the friends of the Secretary if they are prepared for this; if not, they will vote with me to postpone the bill.

Let it be remembered that the Secretary of the Treasury, whose views are diametrically opposed to the passage of any law looking to a reduction of the revenue, has given his opinions only a month ago. Surely he has not changed all his notions respecting

our probable receipts in 1837 since he published his last report! I should be glad if my colleague, [Mr. Hamer,] who told us the other day "he had lately been behind the curtain," would inform us whether, among other precious secrets, he had heard anything of a total change of the Secretary's opinions on this subject, within the last few weeks.

Mr. Speaker, if the gentlemen who have brought forward this measure have emancipated themselves from all respect for the opinions and recommendations of your chief of finance—a respect bordering heretofore on absolute submission to his will—a little attention to documents emanating from a quarter still more venerated, will exhibit them in an attitude of still more exalted independence. They are, however, (if I may be pardoned a conjecture so uncharitable,) scarcely entitled to a position so enviable as that of self-relying and self-resolved freedom of action. Something of the dross of selfishness, unhappily for poor humanity, mingles in the composition of the purest motives, and stains the glory of the most sublime achievements. The committee have, I fear, betrayed something too much of a quality, or to speak phrenologically, an organ, of combativeness. They have not only spurned all the trammels of precedent, and despised all the opinions of the Secretary of the Treasury, but determined that paradox should, in themselves at least, have the merit of originality. They have set at naught, nay, scorned, the solemn injunctions of the President himself. Thus, they may be said to stand "alone in their glory." Sir, we

have heard much of General Jackson's system of administration. If any meaning is to be attached to this word "system," which can stand against the arbitrary dictation of party, it will be admitted that it implies a plan which comprehends an order of proceeding by principles extending over the time, at least, of a Presidential term. In this view, we can at once see how great principles are as true and applicable in practice in 1837 as they were in 1836. This being admitted, let us see how the bill and report now before us harmonize with the doctrines on the same subject, expressed in strong and earnest advice to Congress, in the President's message a year ago. I quote the entire passage from the message of 1836:

"Should Congress make new appropriations, in conformity with the estimates which will be submitted from the proper departments, amounting to about twenty-four millions, still the available surplus, at the close of the next year, after deducting all unexpended appropriations, will probably not be less than six millions. This sum can, in my judgment, be now usefully applied to proposed improvements in our navy-yards, and to new national works, which are not enumerated in the present estimates, or to the more rapid completion of those already begun. Either would be constitutional and useful, and would render unnecessary any attempt, in our present peculiar condition, to divide the surplus revenue, or to reduce it any faster than will be effected by the existing laws. In any event, as the annual report from the

Secretary of the Treasury will enter into details showing the probability of some decrease in the revenue during the next seven years, and a very considerable deduction in 1842, it is not recommended that Congress should undertake to modify the present tariff so as to disturb the principles on which the Compromise Act was passed. Taxation on some of the articles of general consumption, which are not in competition with our own productions may be, no doubt, so diminished as to lessen, to some extent, the source of this revenue; and the same object can also be assisted by more liberal provisions for the subjects of public defense, which, in the present state of our prosperity and wealth, may be expected to engage your attention. If, however, after satisfying all the demands which can arise from these sources, the unexpended balance in the Treasury should still continue to increase, it would be better to bear with the evil until the great changes contemplated in our tariff laws have occurred, and shall enable us to revise the system with that care and circumspection which are due to so delicate and important a subject."

Here gentlemen will perceive that the bill and report are at war with the President's opinion, solemnly expressed, on the same subject. Mark, however, the terms employed to designate the act of 1833; he calls it the "Compromise Act." As he anticipates a considerable reduction in our revenue during the next seven years, and especially in 1842, he warns us "not to disturb the principles on which the Compromise Act of 1833 was passed." Spoken

like a man sensible of the obligations of legislative and public faith! Sentiments worthy the chief magistrate of a nation governed by law, whose duty it is to see the obligations of law faithfully observed! He speaks familiarly of the "principles" upon which the Compromise Act was passed. What does he mean by the "principles" of that act? Nothing else than these mutual stipulations by the great contending parties to that compact, providing for a stable, fixed rate of duties, which should remain, as the act itself expresses it, till June, 1842. The bill disregards the principles, or rather violates and destroys the principles, on which the Compromise Act was passed. The report, instead of anticipating a reduction of revenue by the laws now in force, goes about facilitating that reduction by legislating in a way contrary to the whole tenor of the President's opinion which I have quoted. Sir, I call on the chairman of the Ways and Means to say when, before now, he has ventured on a system of policy not approved by the "speech from the throne." I ask him why he did not bring forward this bill last year, when every possible expedient was resorted to to get rid of a surplus, which was about to go to the States, as it did go, under a law so odious to the Prince Regent, who is to mount the throne the 4th of the coming March? A bill reducing the revenue then would have saved the troubles and dangers of a deposit with the States. That was the time, if ever, to have urged its passage. Since the surplus has gone to the States, no reason exists for reduction. Do not gen-

tlemen see that a most uncharitable view may plausibly be taken of their course? It will be said, that as the President had forbidden you to disturb the Compromise, and at that time had a year of his reign remaining, in which his power of reward and punishment could be exerted, you then dare not incur his displeasure; but now, when only six weeks of that reign are left, to be spent in the languor of convalescence, or it may be in the agony of pain, you may treat the opinions of your old chief with contempt, relying on the sure protection of the Executive elect. Of the chairman of the Ways and Means, (whom, if I may not number among my friends, I can not call my foe,) I fear it may be said that his eye has been so dazzled by the glitter of expected coronets, under the new reign, that he has lost sight of all regard for the principles and authority of that which is now almost numbered with the past. "High-reaching Buckingham grows circumspect." What a striking exhibition is here of the emptiness and vanity of earthly renown and mere human power! But yesterday, and, like the mighty first Cæsar, "the word of Andrew Jackson might have stood against the world," and now, "none so poor as to do him reverence." Deserted by all his old and faithful followers, abandoned by those adoring crowds of self-styled democrats, I alone, an obscure and derided aristocrat, from the far West, as our nomenclature has it, I alone stand by the desolate old man, vindicating his opinions, and stemming, as I best can, that torrent of contempt poured out by his own former

friends, which is likely to pursue and overwhelm him in his retreat from the scene of his glory.

How are we to account for this singular event? Singular indeed it is, apparently, but really what was to be looked for. Politicians who belong to what I may denominate, for the sake of distinction, the school of idolatry, do not worship the setting, but always the rising sun. No sooner, therefore, do we see the level beams of the retiring hero's setting orb begin to melt into the twilight, than, as we might expect, the thick crowds turn wistfully to a dubious and uncertain dawn in an opposite quarter of the heavens. With characteristic fitfulness it now shoots a gleam of faint light above the horizon, and anon withdraws it from sight. At last, "half concealed, half disclosed," it rises on the world, and hither the multitudes repair to "worship and adore."

Thus, and thus only, can we account, sir, for those eccentric movements and strange contradictions which crowd themselves into the annals of the little and great aspirants after the perishable honors of this world; and this bill we are to receive as the first offering upon the altars erected to our new divinity. It is in this way our new sovereign will signalize the beginning of his reign. He will destroy, in the first year, three hundred millions of property, all for the good of his loving subjects; and, with the blessing of God, which may be most reasonably expected to attend so beneficent a work, proceeding at this rate, he will succeed, in his reign of four years, in destroying twelve hundred millions of the nation's property.

Thus will our excellent democratic Government enable our people to feel the force of that consoling declaration of Scripture, "blessed are the poor."

Mr. Speaker, I should be happy to spare myself the pain which it always gives me to recur to former transactions in a way likely to excite unpleasant feelings; but I have the misfortune to differ with the majority of a committee of which I am a member; I am therefore compelled, in self-defense, to give every reason in my power for the course my conscience impels me to pursue.

The House are already apprized that the bill on the table presupposes a surplus of revenue as certain to accrue within the next eighteen months. The existence of this surplus is the evil the bill is intended to prevent. Whether this apprehended surplus will accrue is matter of opinion. I wish, then, to present another, and only one other, document, to show the reliance to be placed upon the opinions of that very majority of the Ways and Means, who now require us, on the faith of their opinion and conjecture merely, to pass this bill. Many gentlemen will remember that various projects for the disposition of the surplus revenue were referred to this same committee, composed of the same persons last year which now compose it. On the 1st of July, 1836, just before the close of the last session, and only about six months ago, a report was made from which I propose to read an extract. It will be seen by this extract what were the opinions of the committee then, as to any surplus which might possibly come

into the Treasury, and also their prognostics as to the probability of such an event happening at all.

After disposing of a variety of topics, and reviewing our past history, as usual, complaining with becoming indignation of bad currency in England and America, and deploring the existence of an evil spirit of speculation, notwithstanding the late death of the United States Bank, the report concludes as follows:

"Our revenue from customs and public lands, after 1837, is not likely to exceed the expenditures of Government. It is, therefore, important that, whatever surplus we may have in the meantime, whether deposited with the local banks or in the State treasuries, as is proposed after the 1st of January next, should be preserved, to be applied to the extraordinary purposes we have been compelled to provide for during this session, and for similar expenditures, which, in the present state of our Indian relations, may again become necessary. On the balance in the treasury on the 1st of January next, and the revenue which may be received in 1837, there will be charged, in addition to the current expenditures of that year, and all extraordinary demands that may occur, probably near fifteen millions for appropriations authorized at the present session, making the claims upon the treasury in the next year greater than in the present, while the revenue of 1837 will be considerably less than that of 1836, and leaving the surplus at the close of that year much diminished. As our income will not probably

then exceed our current expenditures, we must rely entirely upon what surplus we may have to defray all expenses which may become necessary in extinguishing Indian titles to lands, removing the tribes beyond the Mississippi, and for other subjects of expenditure of an extraordinary character."

I beg the House to notice with what oracular gravity the prophets then uttered their predictions: "Our revenue from customs and public lands, after 1837, is not likely to exceed the expenditures of Government." We are then kindly, but still peremptorily, admonished to husband our surplus, if any, to meet those exigencies which every wise and considerate man should always be prepared to expect in human concerns. Again, at the close we are thus addressed: "As our income will not probably then exceed our current expenditures, we must rely entirely upon what surplus we may have to defray all the expenses which may become necessary in extinguishing Indian titles to land," etc. So spoke the prophets six months since; and now, up jumps the chairman of the Ways and Means, "modest as Morning when she eyes the youthful Phœbus," and full of the same inspiration that burned in the bosom of the seer in July last; and, in the same solemn prophetic tones, he tells us our income will exceed our expenditures. Now we are admonished not to husband any surplus we may have, but to reduce the revenue by seven millions in the next year and a half, so that no surplus whatever shall remain.

Sir, when I see with what ruthless hand the com-

mittee has torn to pieces every shred of character, for either ability or fidelity, of the Secretary of the Treasury, and how, with the same destructive appetency, they have trampled down the authority of the President himself; and, lastly, when I see with what ridiculous gravity these two reports of the same committee, differing only six months in their ages, contradict each other, I hope the gentlemen will pardon the degrading analogy, but really I can think of nothing like them but the celebrated "cats of Kilkenny;" they have at last literally swallowed each other. Sir, I have done with this subject. I know I have detained the House already too long; for this I must find an apology in the fact that I had not the most distant thought of addressing the House on this subject till the afternoon of yesterday. Without further time for arrangement of topics, I could not hope to preserve that order which is so favorable to brevity as well as perspicuity. Let me again implore the House to put this subject at once at rest. The worst evil that can come is a surplus of a few millions; and even this the highest officer in the Government connected with your financial system tells you is impossible. But if it should occur, send it, as you have done before, to the States, where it can be used as well as kept. If this surplus is an evil, in that way you can rid yourselves of it as easily as the shipwrecked apostle shook off the serpent that fastened upon his hand. At all events, let your people rest one year from your miserable experiments. Let your former blunders teach you

some caution. In your attempt to bring about a gold currency, you have flooded the land with bank-notes. In destroying the United State Bank monopoly, you have raised up a greater monopoly in public lands. Now you are to try the experiment of breaking down what are called, in this report, the "princely establishments of the North." Sir, you will not, can not, at least now, effect this last and most cruel experiment. Let us then put this bill quietly to sleep somewhere; let it rest in peace till 1842; then, perhaps, it may re-appear among us under other auspices, and with better claims to our regard.

ON THE CUMBERLAND ROAD.

[In the House of Representatives of the United States, Friday, April 20, 1838, the House having again resumed the consideration of the bill making appropriations for the continuation of the Cumberland Road through Ohio, Indiana and Illinois, Mr. Corwin addressed the House as follows:]

Mr. Speaker:

I perceive the House is unusually impatient of this debate. I am very reluctant, at any time, to lift up my voice in this Babel of confused voices, but especially so now; nor would I delay the final vote for a moment, did I not remember that this bill has been already once rejected, but a day or two since; and from the tone of discussion this morning, I have too much reason to fear it will meet a similar fate by the vote now about to be taken. I may add, also, that I feel unwilling to permit the remarks of the two gentlemen from South Carolina [Mr. Clowney and Mr. Pickens,] to pass to the press, and from thence into the public mind, without an attempt, at least, to correct the erroneous impressions in which, according to my views, they abound.

The bill now under discussion, for the continuation of the Cumberland Road, is nothing more nor less than the continuance of a system of regular annual expenditure, begun in 1806, and continued, with the exception of the short period of the war with Great

Britain, every year up to the present time. The estimates for this appropriation are as regularly and habitually sent in by the Treasury department, as are those for the salary of the President and other public servants, or those for the support of the army. If a continued perseverance in the prosecution of any public measure for thirty years can not be looked to as settling the public utility of such measure, or the fixed policy and duty of this Government, beyond the reach of cavil or objection, then, indeed, may it be truly said that we are a people without common forethought, a Government without any established policy, a confederacy without any common end or aim whatever.

The construction of the road provided for in this bill, from the waters of the Atlantic to the Mississippi river, was originated during the administration of Mr. Jefferson. It has received the countenance of every shade and complexion of political party in Congress, at various periods since, and has been sanctioned by the approval of every Executive from that time to the present. It has thus become incorporated with your policy. It makes a part of the creed of all parties, and, as it advances in its progress, is woven into the texture of those systems of internal improvement going forward in each of the six States through which it passes. A measure thus perseveringly continued so long, sustaining itself, through perpetual conflicts, and every vicissitude of our history for the last thirty years, comes recommended at once to the mind as something necessary—something

which has been found indispensable, and not merely convenient. It stands in your policy like one of those truths in philosophy which is not questioned, because it has received the general assent of all reasonable men. Speaking of such a measure, this morning, the gentleman from South Carolina (Mr. Pickens, richly imbued as his mind is with philological learning) could find no terms whereby to characterize this bill less odious than *swindling* and *plunder*. Then, by a dextrous evasion of the substance, and a strict observance of the letter of the rules of courtesy in debate, the gentleman has been able, by fair inference, to denounce the supporters of the bill as the prompters of "swindling," the aiders and abettors of "plunder." [Here Mr. Pickens rose and observed that he had not applied the terms stated by Mr. Corwin to the bill, or those who supported it. He had stated, in argument, the case of a general system of taxation, and an appropriation to partial and local purposes, and denominated *that* as swindling and plunder.] I understand the gentleman as he explains himself. He has made a speech against this bill. He has endeavored to illustrate, in various ways, its iniquity and impolicy. He denounces this road as local in its character, and not of general utility. He shows that the money appropriated is a part of the common revenue raised from the whole Union. He then speaks of general taxation, and local appropriations, and calls this last a system of swindling and plunder. It is but the difference between a positive assertion and a conclusion from

premises stated. Sir, I desire, when thus arraigned, to submit my defense. If I am not mistaken, the gentleman will find this *system*, and this *road*, have been cherished and heartily supported by men, living and dead, to whom even he would be willing to defer in such matters; and with whose memories and character he would not associate the folly and criminality which, in his over-wrought zeal, he fancies he has discovered in this bill.

Mr. Speaker, I do not intend to elaborate an essay upon this road, but I must be permitted to notice, for a few moments, the very summary method by which gentlemen with great apparent ease acquit their consciences of all censure for voting down now and forever all further appropriations of the kind. Yesterday the gentleman from South Carolina [Mr. Rhett] spoke of the supposed importance of the road west of Wheeling for military purposes, as an idea too ridiculous to merit a moment's serious thought. It seemed to him perfectly idle to imagine that ordnance or military stores would ever be transported by land westward while the Ohio river remained; and so, with undoubting confidence and the utmost self-complacency, he assures us that a "fool's cap and bells" should be bestowed upon any one who entertains a contrary opinion. Sir, I hope I may be allowed, with great humility, not indeed to deny to the conclusions of the gentleman the greatest certainty possible in matters of this kind, but merely to suggest a fact or two which it may be well to consider a moment before we swear to the infallibility

of his judgment on this military question. In the first place, the road and river, though both running from east to west, from Wheeling to the Mississippi, are distant from each other, from north to south, from ninety to one hundred and fifty miles at various points. I think it possible in the chances of war that it might become necessary to march a military force directly from Wheeling to Columbus, in Ohio, or to the capitals of Indiana or Illinois, and to take along with such force a train of artillery. Would the Ohio river, think you, be so obliging as to leave its ancient bed, and bear your cannon on its waves across the country from Wheeling to Columbus, in Ohio, and from thence by Indianapolis to Springfield, in Illinois? If we could suspend the laws of the physical world, or if a miracle could be wrought at our command, then the confident opinion of the gentleman, that this road is, in no sense, of military importance, would, in my poor judgment, appear somewhat plausible. But the gentleman seems also to forget that the waters of the Ohio, in spite of our wishes to the contrary, will freeze into hard ice. For three months in the winter it is not, at all times, navigable. On account of shoals, it is not navigable at a time of low water in the summer. And hence it would follow, that your military movements in that quarter, if ever necessary, would have to wait for the floods of summer, and the thaws of winter. But I will not venture to oppose any speculative notions of mine to an opinion so confidently entertained by several gentlemen from the South who have spoken in this

debate. I will fortify myself by an authority which I am sure will command, as I know it should, infinitely more regard than any opinion or argument of mine.

It will be remembered, Mr. Speaker, that this Government, soon after the late war with Great Britain, admonished by the experience of that war, determined on prosecuting a general system of military defense. To this end, General Bernard was brought from France, and placed at the head of the Engineer corps. In the year 1824, it became the duty of this officer, under the direction of Mr. John C. Calhoun, then Secretary of War, to survey and report to Congress such rivers to be improved, and canals and roads to be constructed all over our territory, as were conceived to be of *national importance* for commercial or military purposes. On the 3d of December, 1824, Mr. Calhoun submitted to the President, and through him to Congress, the result of the labors of this corps, accompanied with his own reflections and recommendations. It will be found, on examining that document, that this very Cumberland road is classed with other great works of internal improvement, which, in the opinion of Mr. Calhoun, were necessary to the defense of the country in war, and that the road now under the consideration of the House is there pronounced to be of "national importance." This was the opinion of Mr. Calhoun in 1824. The construction of the Cumberland road, as a work of commercial importance, as well as a sure means of binding in union the Eastern and Western portions

of our country, had been urged upon Congress by Mr. Gallatin, as Secretary of the Treasury, as early as 1803, and by Mr. Giles and Mr. John Randolph, of Virginia, in reports which they respectively submitted to Congress about the same time. Before the navigation of the rivers of the West by steam, no one could cast his eye upon the map of the Western States, and not perceive at once the incalculable value of this road to the commerce of both East and West. If the application of steam to navigation has diminished the importance of the road, this was known and considered by Mr. Calhoun, when he made the report to which I have referred. In 1824, the steamboats were flying on their wings of fire from Pittsburg to New Orleans, as they are now; yet Mr. Calhoun pronounced the Cumberland road *then* a work of "national importance." I beg the gentleman from South Carolina who spoke this morning [Mr. Pickens] to peruse that report of his friend, Mr. Calhoun. I beg him to ponder well the magnificent and expensive works of internal improvement there commended to the favorable regard of this Government. The waters of the Chesapeake and Ohio were to flow together. From the Ohio the chain was to be stretched across that State to the Northern lakes, and thus the North and South are to be bound up together, one in their internal interests, as they are one and identical in their national and extra territorial relations. But I need not particularize; what I have specified comprehends not the twentieth part of those works in magnitude and expense then

recommended by Mr. Calhoun as proper to be constructed by the Federal Government, at the expense of the common Treasury of the nation.

The Cumberland road, as I have said, is one among the rest there recommended as of "national importance." Mr. Speaker, I must beg the indulgence of the House to read a single paragraph from the document referred to. After speaking of the great advantages to the whole Union of one of the great Western works to which I have already adverted, the Secretary proceeds:

"The advantages, in fact, from the completion of this single work, as proposed, would be so extended, and ramified throughout these great divisions of our country, already containing so large a portion of our population, and destined in a few generations to outnumber the most populous States of Europe, as to leave in that quarter no other work for the execution of the General Government, *excepting only the extension of the Cumberland road from Wheeling to St. Louis, which is also conceived to be of national importance.*"

Now, Mr. Speaker, if, in the bill under discussion, there be any feature akin to "swindling and plunder," I ask the gentlemen from the South to return to that gigantic project of kindred works projected by their own justly favorite son, and tell me in what vocabulary among the "tongues of men" they can find epithets odious enough to shadow forth the diabolical tendencies of *his* plan. Sir, if this bill be swindling, his scheme is robbery. If this bill be petty plunder,

his plan was wholesale desolation. But, good or bad, whichever it be, we have his authority for it. Well do I remember, sir, in what high esteem the Secretary of War [Mr. Calhoun] was held throughout the West in the year 1824. The sober affections of the aged, and the ardent hearts of the young, all, all were attracted to him. His altars blazed everywhere throughout the broad valleys of the West. Right loyally and prodigally did we pour out our incense upon our shrine; and lo! what now do we see? While the smoke of our sacrifice yet ascends in gathering clouds; while the distended nostrils of our deity inhale its grateful odors almost to suffocation; he, in whom our affections were all enshrined; he, the author of this our faith; he, the chosen object, it may be, of our very profane and heathenish, but sincere idolatry; he, with the selected high-priests still of his faith, suddenly rush upon us from the South, overturn their own altars, and scourge us, their misguided, but still honest devotees, from the temple themselves had erected. Not content with this, but determined, it seems, to consign both the authors and the followers of the creed to hopeless infamy, they have compared their own system of policy to a system of plunder, and themselves and us to a combination of swindlers.

Let not the gentlemen from the South suppose that I quote the authority of Giles, and Randolph, and Gallatin, in 1802 and 1803, and Mr. Calhoun as late as 1824, to fix upon Southern gentlemen the sin of inconsistency, or sinister motives, for change of prin-

ciple. No, this is not my motive. I wish to convince, and not to taunt the gentlemen. I wish them to pause upon their own present opinions, and to compare them with the views of those, living and dead, to whom I have referred, in the hope that in the light of those great minds—that light that has been to them "a pillar of fire by night," in all their political wanderings heretofore—might, haply, now serve to keep them in the right way. I beg the gentleman from South Carolina, [Mr. Rhett] who so readily voted "cap and bells" to the heads of such as entertained particular notions, which he condemned, of the utility of this road, to take back his gifts a moment, and see whether he may not possibly be found unawares placing these badges of imbecility and folly on the graves of Randolph and Giles; and whether, if he is to be impartial and just in the distribution of such honors, he may not be compelled to pass over into the chamber of the Senate, and bestow one set of them upon the illustrious Senator from his own State. Mr. Speaker, I venture to suggest to the gentleman from South Carolina, [Mr. Rhett] in a spirit of sincere respect, that there is a posterity for him as well as those great and good men whose opinions he sets at naught. I hope I may without offense, suppose it possible that in some distant day, when this very road, paved from the Atlantic to the Mississippi, shall be crowded with commerce, and groan beneath its load of travel; when, by the speed with which your armies can pass over it, from the center to the remote border of your

country, some fearful rebellion is happily quelled, or, for the same reasons, some insolent foreign foe is speedily repulsed, the age that then is may possibly remove the "cap and bells" from the last resting-place of Giles and Randolph, where he has hung them, and look for the tomb of another, as better deserving the honor of these significant emblems. Sir, when I glance at the history of this road; when I remember that it was begun in the administration of Jefferson, and approved by him; when I group together the other illustrious names who have for thirty years also given it their sanction, I am prone to believe, my own judgment concurring, that I am right in carrying on what has been thus begun. I can not reverse the settled and long unquestioned decisions of the fathers and founders of the Republic, upon the faith of the last night's dream. I can not so readily believe that the sages of past times violated the Constitution to make a road. I can not see why, if that were so, it has not been discovered in the lapse of thirty years. Sir, I know much is said, and truly, at this day, of that advance of the human mind. I know, sir, it was written thus long ago, "Men shall go to and fro, and knowledge shall increase." All this I know, and yet I can not quite believe that us young gentlemen here, in this year of grace, 1838, have now, this morning, descended to the bottom of the well where truth lies, as is said, and for the first time brought up and exposed her precious secrets to the long-anxious eyes of the in-

quiring world. Just as slow am I, Mr. Speaker, to believe that the great men who gave us a country forty years ago, did not understand what its true interests were. They who projected this great work were not men to rush into hasty and ill-considered measures. They had been accustomed to settle the foundations of society, and they did their work, in all things, under the habitual reflection and responsibility which their immortal labors inspired. Sir, let us beware, in the midst of our party conflicts, how we hastily question their calm resolves. Let us take care, in this day's work, with the hoarse clamor of party resounding ever in our ears, that we are not deaf to the voice of wisdom, which calls out to us from the past.

Mr. Speaker, I have thus far considered the bill upon your table as providing for one work, itself a part of a system of "internal improvement." I have referred so far to the opinions of men whom we are accustomed to regard as good authority, to show that the road in question has been regarded as one of national importance, and as such, is within the acknowledged powers of Congress. But, sir, this bill rests its claims to our support upon a basis far less liable to those assaults which consider it only in the isolated view of expediency. It is, in truth, a bill for the fulfillment of a contract. It proposes to carry into effect a compact, to the performance of which the faith of this Government is pledged to three sovereign States of this Union. I know, sir,

that many gentlemen here are familiar with this view of the subject, but I feel equally certain that there are others who are not.

The gentleman from Kentucky [Mr. Pope] the other day discussed this branch of the subject with great ability, but I am impressed with the necessity of presenting it more at length, even at the risk of being tedious. I shall endeavor, by a reference to acts of Congress and public documents, to show that we are bound to construct this road as far as the Mississippi river; that we have contracted to do so; that we have received the consideration for this contract from the States of Ohio, Indiana, and Illinois. If I can establish these as facts, it will follow that to stop the road short of the Mississippi would be a gross neglect of duty, and a flagrant breach of national faith.

In the year 1787, "the territory north-west of the Ohio," comprehended what are now the States of Ohio, Indiana, Illinois, Michigan, and Wisconsin territory. The celebrated ordinance of 1787, among other things, provided that there should be three States at least out of this territory, which should be bounded by the Ohio river on the South, the Mississippi on the West, and a specified line on the north. This last line, many gentlemen here will recollect, was finally established as the northern boundary of Ohio, Indiana, and Illinois, very lately, on the admission of Michigan into the Union.

Early in the year 1802, the eastern division of this territory petitioned Congress to provide for its

admission into the Union, under the ordinance of 1787, which provided that certain portions of the territory, having 60,000 inhabitants, should be entitled to come into the Union as sovereign States. This application, with a census showing the number of inhabitants then within what are the present limits of Ohio, was referred to a committee in the House of Representatives, of which William B. Giles of Virginia, was the chairman.

On the 4th of March, 1802, Mr. Giles made a favorable report on this petition, and, among other things, referring to certain matters of compact, in the ordinance of 1787, the report concludes in these words:

"The committee, taking into consideration these stipulations, viewing the lands of the United States within the said territory as an important source of revenue; deeming it also of the highest importance to the stability and permanence of the union of the Eastern and Western parts of the United States, that the intercourse should, as far as possible, be facilitated, and their interests be liberally and mutually consulted and promoted—are of opinion that the provisions of the aforesaid articles may be varied for the reciprocal advantage of the United States and the State of ——, when formed, and the people thereof; they have therefore deemed it proper, in lieu of said provisions, to offer the following propositions to the convention of the Eastern State of said Territory, when formed, for their free acceptance or rejection, without any condition or restraint whatever,

which, if accepted by the convention, shall be obligatory on the United States."

The report then sets forth three propositions to be submitted to the Ohio Convention; the third proposition, being the one applicable to this subject, is in these words:

"That one-tenth part of the net proceeds of the lands lying in the said States, hereafter sold by Congress, after deducting all expenses incident to the same, shall be applied to the laying out and making turnpike or other roads leading from the navigable waters emptying into the Atlantic to the Ohio, *and continued afterward through the State of* ——, such roads to be laid out under the authority of Congress, with the consent of the several States through which the road shall pass, *provided that the convention of said State shall on its part assent that every and each tract of land sold by Congress shall be and remain exempt from any tax laid by order or under authority of the States, whether for State, county, or township, or any other purpose whatever, for the term of ten years from and after the completion of the payment of the purchase money on such tract to the United States.*"

Attached to this report is an official letter addressed by Mr. Gallatin, then Secretary of the Treasury, to Mr. Giles, dated Washington, 13th February, 1802. Mr. Gallatin, deeply impressed with the advantage to the Government of this contract with the new State, urges it upon Congress as a means of increasing the value of the public lands owned by the Government, and then pledged for the

payment of the national debt. After stating a variety of arguments to that effect, he says:

"It follows that, if it be in a high degree, as I believe it is, *the interest of the United States* to obtain some further security against an injurious sale, under the Territorial or State laws, of lands sold by them to individuals, *justice*, not less than policy, requires that it should be obtained by common consent, and it is not to be expected that the new State Legislatures should assent to any alterations in their system of taxation which may affect the revenues of the State, unless an equivalent is offered."

He then goes on to insist that

"*Such conditions, instead of diminishing, would greatly increase the value of the lands, and, therefore,* of the pledge *to the public creditors.*"

The last paragraph in this document urges another argument in favor of this road, which I hope will not be overlooked by gentlemen who consider it a boon merely to the young States of the West. Mr. Gallatin thought this road would be highly advantageous to the old States, and he addresses their cupidity accordingly, in these words:

"The roads will be as beneficial to the parts of the Atlantic States through which they are to pass, *and nearly as much so to a considerable portion of the Union,* as the North-western Territory itself."

On the 30th of April, 1802, an act was passed authorizing the people of the eastern division of the North-western Territory to form a Constitution and State Government. In that law the proposition,

somewhat modified, is inserted and by Congress proposed to the Convention which was to assemble the next summer. In the act just quoted, *five* per cent. of the proceeds of the lands within the State are proposed as a fund to make a road "from the Atlantic waters *to and through the State*, and the condition of the grant is, that the State shall abstain from taxing the lands sold by the United States for *five* years from and after the day of their sale."

In the month of November, 1802, the Convention of Ohio assented to the proposition contained in the act of April, 1802, with this modification: that three-fifths of the five per cent. fund should be appropriated to laying out and making roads within the State, and under its direction and authority, leaving two per cent. on all the sales of land within the State to be appropriated to a road leading from the Atlantic waters *to and through the State* of Ohio. To this Congress expressly assented at its next session, upon the recommendation of a committee, of which John Randolph of Virginia was the chairman, and thus the compact was closed. Here let it be observed that compacts, of the same kind and in the same words, have been concluded between the States of Indiana and Illinois, and this Government, at the times when these States were respectively admitted into the Union. In this way, following up the project begun in 1802, of constructing a road "from the Atlantic waters to the Mississippi river," passing from the Ohio the whole distance to the Mississippi, through your own public lands, it was carried out by

compact with each State, as soon as it became capable of entering into such engagements, by assuming the powers and dignity of a sovereign State of the Union.

I have said, Mr. Speaker, that you had contracted to construct a road from the Atlantic waters, through the new States of the West, to the Mississippi river. I have shown, by reference to public documents, that the motives to this contract were, first, to increase the value of the public domain, *to and through* which this road was to pass, and thus put money into the national purse, to pay the national debt; secondly, to bind together in union of interest the East and West, by creating a quick and constant intercourse between the Western and Atlantic divisions of your common country. Now the first main object, the increase in value of the public lands, never could be effected, unless you carried the road, not merely "*to and through*" Ohio, where, in 1802, your public lands for sale chiefly lay, but would only be fairly realized by carrying the road "*to and through*" each of the other Western States, as your lands, by the extinguishment of the Indian title in these States, should come into market. These were the views upon which you set out, in your propositions of compact, at first. These were your "*inducements*" held out to Ohio, and repeated in each of your engagements to make the Cumberland road with Indiana and Illinois. With these determinations, asserted through your public and authorized agents, you ask of the Western States, in consideration of *in-*

ducements thus held out, to do what? To grant you a trifling sum of money to aid you in your effort to improve the value of your own lands? No. To allow you to pass through their territory in such way as you choose? No. No such inconsiderable demands as these were on your lips. You demanded of them to surrender up for your benefit the tax on nearly all the property in these States for five years. In other words, you asked, and you received too, into the public treasury of the Union, a direct tax for five years on all, or nearly all, the lands in three large and populous States. You said to the purchaser of your lands, buy of us, and your property thus acquired shall be free from taxation for five years; and thus you got an increase of price paid to you, what otherwise would have gone, in the shape of taxes, into the coffers of the States. This is true in regard to almost all the lands in the three States of Ohio, Indiana, and Illinois. Each of these States was admitted into the Union with barely sixty thousand inhabitants. The quantity of lands then sold was so inconsiderable as to make no sort of change in the estimated value of the right we surrendered. Take Ohio, for example: she gave up to you her right to tax all lands then unsold for five years after they should be sold. She had then sixty thousand inhabitants, she has now probably one million and a half of population, and there are yet public lands unsold in that State. Thus you can see that we have released to you our right to tax lands in the hands of nine-twentieths of our people for five successive years. This, too, was

done at a time when there was scarcely any other subject of taxation but lands, and when, in the infancy of our several State governments, the first movements of political and social machinery require heavy expense from those least able to bear it. Let us see what it was in money that we gave. It will be found, on examination, that the three States interested cover an area, according to the best authorities, of something over one hundred and twenty millions of acres of land. Deducting something for reservations made before the compact, we may safely estimate the lands then to be sold in the three Western States at one hundred and twenty millions of acres. We gave up the right to tax these for five years from the day of sale. What has been the usual rate of taxation upon lands in these States? I think I may fairly affirm that the rate of taxation on lands in the three States interested has been one dollar on every hundred acres. This, levied on one hundred and twenty millions of acres, would give one million two hundred thousand dollars per annum, which, in five years, the time for which the tax was surrendered by the States, would give the sum of SIX MILLIONS OF DOLLARS. This sum have we paid into your Treasury for your promise to complete the road in question. In addition to this, we surrendered our sovereign right of taxation within our own limits—a right itself so dear to States that, as matter of pride, just pride, its surrender could only have been extorted by the strongest hope of advantage—the hope of some great and striking improvement in our whole

country, such as this great work will be when you complete it, as you have promised.

Mr. Speaker, I have shown that the three Western States have given into the National Treasury, in effect *six millions of dollars*, for the promise to construct this road. Let us now advert for a moment to the cost of the work as estimated at the time of the contract, and we shall find that the Government then understood that this sum would construct the road from the Atlantic waters to the Mississippi; nay, that in all probability there would be a surplus remaining in the Treasury after the road was finished. The kind of road, its location, and the time of its completion, were all left with this Government to be adjusted, under a fair interpretation of the compact. After proper examination, it was determined to commence at Cumberland, and strike the Ohio line at Wheeling, in Virginia.

On the 3d of March, 1808, Mr. Gallatin, then Secretary of the Treasury, reports to Congress that the road had been located from Cumberland toward Wheeling, a distance of seventy miles, and adds, the expense of completing that part of the road is estimated at $400,000. This estimate shows that the average estimated cost of the road, over by far the most expensive part of it, was a trifle less than six thousand dollars per mile. The whole length of the road, from Cumberland to the Mississippi, as surveyed, is six hundred and fifty miles; it may be a mile or two more or less. Now, take the estimated cost per mile, as reported by Mr. Gallatin, which was

for the mountain region entirely, and remember that one half less, it was supposed, would suffice to make the road across the level plains of the West, and we shall see at once how reasonable it is that the Congress of that day, after receiving what was equivalent to six millions of dollars, should make an unconditional promise to construct the road to the Mississippi river.

The contract, as then understood from the estimate, was simply as follows:

Value of the tax released in favor of the Federal Government by the three Western States,.....	$6,000,000
Cost of the road 650 miles, at $6,000 per mile, according to Mr. Gallatin's estimate for the first 70 miles,	3,900,000
	$2,100,000

Leaving two millions in the Treasury, after making the road as then estimated. Upon this view, founded on facts and representations of public men, cotemporaneous with this compact, it is clearly shown that the States paid the Federal Government what the parties then believed a full consideration for completing the road the entire distance proposed. From this, what follows? Why, surely, that the Government promised to do what in conscience it ought, that is, to do the act which they were paid for doing—to make the road complete according to the contract.

But here, Mr. Speaker, I am told that whatever may have been the reasonable expectations of the parties, as to the completion of this work, when the

contract was made, the Government only bound itself to appropriate *two per cent.* of the nett proceeds of the public lands, and that this has been done, and no moneys remain of this fund applicable to the purposes of the contract. To this I reply, that such is not the contract, and I think I have shown this from the proofs already adduced. I grant you that two per cent. of the nett proceeds of the public lands are pledged for the performance of your promise to make the road; but this pledge does in no sense limit the contract for which it is only a mere security. Let it be remembered that, when this contract was made, the public lands were pledged for the payment of a large national debt. To increase the value of these lands was one motive to make the road, and the States aided you in this, paid you for it, by relinquishing the taxes on them for five years after sale; it was, therefore, only fair, as the Government was deeply in debt, that the States should have some security for the performance of your contract. This security was given by pledging the two per cent. named in the contract. But it was not the contract, it was only a security given to the States for its faithful performance. This interpretation is fortified by other stipulations in the contract. The time, manner, and location of the road, are all left to the General Government. Why was this? Because you had bound yourselves, in general terms, to make a road. And it was, therefore, only reasonable that you should have control over a work which you bound yourselves to finish. Had you bound yourselves

only to pay, for the purposes of the work, a specified sum, such as the two per cent. mentioned, is it possible to suppose the States would have left you to appropriate *their* money, for which they paid you, in *your own* way, and according to *your* own discretion? Such a contract, on the part of the States, would have been absolute insanity. It involves an absurdity too gross for serious consideration. This itself shows that the two per cent. fund was only a *pledge*, a *security*, and not, as some have supposed, the contract itself. Thus you have always construed the contract. According to your own admission, you have gone on to make the road without regard to the two per cent. fund. You say vastly more than this has been expended. Why did you do this, if only two per cent. on the sales of lands were to be given to the road? No rational answer can be given to this question, but one. The two per cent. did not limit the contract, it only *secured* its performance; and this has been *your own* uniform construction of it, as evinced by all your conduct up to this day, throughout a lapse of more than thirty years.

Let me suppose, Mr. Speaker, that the two per cent. fund was all you promised, which, however, I by no means admit. You say it was to be expended by you; you are the trustee of the fund, and the agent for its appropriation. Be it so, then, for the sake of the argument. What was this fund committed to your charge? Two per cent. upon the sales of one hundred and twenty millions of acres of land. This you was bound to sell for $2 per acre,

for this was the price fixed by law at the time of the contract. This would produce $240,000,000. Two per cent. upon this would be $4,800,000. You had estimated the road to cost $3,900,000. Thus you see that, by every calculation based upon the state of things as existing at the date of the contract, the States and yourselves had a right to suppose that, happen what might, if you acted up to your engagements, the road would be made. But $2 per acre was then the minimum price of the land, and we, being interested in the fund, had, and now have a right to demand of you that you, as trustee, shall get as much more as possible, by selling all the land at auction in the way fixed by law as it then stood. Now let us see how you have complied with the law and reason of this contract in the management of this fund given in trust for its execution. In the first place you sank the value of the fund nearly one-half by reducing the price of the land from $2 to $1.25 per acre. In the second place, you have given away immense amounts of this fund in bounty lands to soldiers, which you never can sell, and for which you can render no account. Thirdly, you have given to individuals, for purposes unconnected with this contract, a very large amount which never has or can be accounted for upon the principles of your solemn engagements with us. Fourthly, you have given very large amounts to the States to make canals, exacting from them as an equivalent the right to carry your mails, arms, armies, and munitions of war on them free of tolls forever. Fifthly, you have

given away many millions of acres in pre-emption claims, at the minimum price, without any attempt to sell, and account (as you were bound to do) for the proceeds. Thus you, our agent to manage a fund destined to make *our* road, have so wasted it, and used it for your own purposes, that you never can tell whether it would have produced the expected amount or not. What is the consequence in law, in reason, in justice? What follows? Why, sir, any justice of the peace can tell you. You, the agent, must answer for this by replacing, out of your own funds, what you have wrongfully taken from us. But as you have so disposed of the trust fund that you never can tell what, if sold at auction, it would have produced, and so can not, by any certain rule, therefore, ascertain the amount you have taken wrongfully from us, you must suffer the inconvenience; you must take from your own funds, and do what, when you contracted with us, you affirmed this wasted fund would do, that is, complete the road in question from Cumberland to the banks of the Mississippi river.

Is not this equitable, fair, honorable, just? Why then stick in the bark? as the lawyers say. Why these pettifogging quibbles, these dilatory pleas? Does such conduct become a great nation? Sir, it has been said that honor is the vital principle of monarchy. You say you represent sovereigns—the sovereign people. Act then as becomes the dignity of your royal constituents. Leave no room to doubt your probity. Observe fully and entirely the faith

of your promise whenever made. No such thing, says the gentleman from South Carolina, [Mr. Clowney,] this morning. If you have made a contract, no matter, you had no constitutional power to do so, therefore cease your efforts to fulfill your engagements. And there the gentleman would stop; he goes no further. What a beautiful example of political morality would you then exhibit! Some years ago you entered into a contract, a treaty, with three sovereign States. You have received from them all they agreed to give you. You have *their* money in *your* pockets. Now you turn to these States, with all seeming honesty, and say, true, I *promised*, but I had no right to *promise*, my conscience is affected, I have sinned, I repent, I will do so no more, but I will keep your money. I can not violate my conscience by doing as I agreed. Oh, no, that is too wicked; I pray you do not ask it; but still I shall keep the money you paid me. Yesterday my friend from Kentucky, [Mr. Calhoun,] with a power of argument and generosity of sentiment equally honorable to his head and heart, spoke in favor of this bill; he adverted to certain objections made by his colleagues [Messrs. Graves and Underwood]. They had opposed the bill as partial in its operation, as giving to the three States through which the road passes a disbursement of money which Kentucky was not permitted to enjoy. He said the disbursements in Indiana would flow into Louisville, in Kentucky, where goods and even liquors would be bought, with which the labor on the road would be paid. Upon

this another gentleman from South Carolina [Mr. Pickens] takes fire. "This," said he, "shows the demoralizing tendency of the system! This is the motive to vote appropriations, that money be raised to buy whisky for the poor laborer to drink?" Sir, I have no objection to the gentleman's moral lectures, but I do not see the necessity of throwing his moral sensibilities into convulsions at the sight of a glass of punch, while he can look with a sanctimonious composure at broken promises and violated national faith.

Mr. Speaker, I have one word to say, before I sit down, to the gentleman from Kentucky [Mr. Underwood]. He spoke the other day in opposition to this bill. He did not deny that the Cumberland road might be useful; but, as he could obtain no money here to enable his people to build dams and make slack-water navigation on Green river, he would not help us to make a road on the northern side of the Ohio. And then the gentleman proceeded in a grave disquisition upon our constitutional powers to make roads and improve rivers. What says the Constitution? "Congress shall have power to regulate commerce with foreign nations, *among the several States*, and with the Indian tribes? What is the gentleman's commentary? You have, says he, a clear and undoubted right to improve rivers, but not so of roads. And why, Mr. Speaker, why? Do you, sir, remember the reason for this distinction? It was this: "Providence," says the gentleman, "has marked out rivers as the proper channels and avenues of com-

merce." What a beautiful and exalted piety is here shedding its clear light upon the dark mysteries of constitutional law! And then how logical the conclusion! Thus runs the argument: Since it is not the will of God that commerce should be carried on on dry land, but only on the water, the powers over commerce, given in the Constitution by our pious ancestors, must be understood as limited by the Divine commands; and therefore, says he, you have power to remove sand-bars and islands, and blow up rocks out of rivers and creeks, to make a channel which Providence has begun and left unfinished; but beware, he would say, "how you cut down a tree, or remove a rock, on the dry land, to complete what Providence has begun there. You have no power by law to do this last; beside, it is impious, it is not the will of God."

Mr. Speaker, I know of no parallel to this charming philosophy, unless it is to be found in the sayings of Mause Hedrigg, an elderly Scotch lady, who figures in one of Sir Walter Scott's novels. In one of her evangelical moods, she rebuked her son Cuddie for using a fan, or any work of art, to clean his barley. She said it was an awsome denial o' Providence not to wait his own time, when he would surely send wind to winnow the chaff out of the grain. In the same spirit of enlightened philosophy does the gentleman exhort us in Ohio, Indiana, and Illinois, to cease our impious road-making, and wait the good time of Providence, who will, as he seems to think, surely send a river to run from Cumberland over the

Alleghanies, across the Ohio, and so on, in its heaven-directed course, to St. Louis. Mr. Speaker, the gentleman from Kentucky is not the author of this theory. Our Atlantic brethren, especially of the South, have long held the same doctrine. They have long since discovered that our glorious Constitution was nothing more at last than a fish! made for the water, and which can only live in the water. According to their views, he is a goodly fish, of marvelous proper uses and functions while you keep him in the water; but the moment he touches dry land, lo! he suffocates and dies. The only difference between this school of constitutional lawyers and the gentleman from Kentucky is this: he believes your Constitution is a fish that thrives in *all waters*, and especially in Green river slack-water; whereas, his brethren of the South insist that he can only live in *salt* water. With them the doctrine is, wherever the tide ceases to flow, he dies. He can live and thrive in a little tide creek, which a thirsty musquito would drink dry in a hot day; but place him on or under the majestic wave of the Mississippi, and in an instant he expires. Mr. Speaker, who can limit the range of science! What hand can stay the march of mind! Heretofore we have studied the science of law to help us in our understanding of the Constitution. Some have brought metaphysical learning to this aid. But now, in the middle of the nineteenth century, these labors are all ended. Ichthyology, sir, is the key to open all the doors that have hitherto barred our approaches to truth. According to this new school

of philosophy, if you just teach coming generations the "nature of fish," those great problems in constitutional law that vexed and worried the giant intellects of Hamilton, Madison, and Marshall, are at once revealed and made plain to the dullest peasant in the land. Sir, if I appear to trifle with this grave subject, the fault is not mine; it arises from the singular nature and contrarient character of those arguments which I am most unwillingly compelled to combat.

The gentleman from Kentucky [Mr. Underwood] has inquired, with a very significant look, what has become of the three per cent. fund, given to the States for improvements within their respected limits. He says he has inquired of the Secretary of the Treasury, and he can give him no account of the disposition the Western States may have made of this fund, and hence the gentleman seemed to infer that no one could tell him anything satisfactory on the subject. Sir, if your Secretary of the Treasury is the only source of information, then are the fountains of knowledge scanty indeed, and nearly dried up with us. If everything is *unknown* which he does not *know*, if we can see nothing which has not been revealed to him, why, then, the Lord help us; the lights of the age burn dimly enough, and must be well-nigh extinct. Sir, if the gentleman, instead of consulting the "Penny Magazine" of the Treasury, had gone to the libraries of this city, and looked into the statistics of these States, he would have found that this fund had been faithfully, to the last dollar,

expended in making roads "to and through" the public lands in the States; thus increasing the value and hastening the sale of your national property. The gentleman reproaches the three States on the right bank of the Ohio for having obtained from the national domain large grants for making roads and canals. Does not the gentleman know that in every instance you have received an equivalent for these lands, by obtaining from the States or companies the right to carry your mails, arms, troops, and munitions of war, over such roads or canals, at all times free of charge? If you gave the alternate sections of land for a road or canal, you held up the remaining section at double your minimum price, and have always realized it, and thus made money for yourselves out of the capital and labor of the States, while you boast the transaction as a benevolence to others.

But, sir, Kentucky, should be the last State in the Union to raise an argument of this kind against her sisters of the West. How came she by the whole of that very Green river country which now comprises one-fourth of that State? Virginia had reserved that territory to satisfy her Revolutionary debt to her troops. When she ceded the north-western territory to the United States, she reserved the land between the Little Miami and Scioto rivers (now in Ohio) as a residuary fund for the satisfaction of her Revolutionary land warrants; if the lands reserved for that purpose in Kentucky should prove insufficient. Well, sir, what happened? Soon after this, Kentucky seized

upon the whole Green river country, and refused to the war-worn veteran of the Revolution the right to locate his warrants there. The consequence was, the whole country reserved in Ohio was exhausted, and the Virginia claims, to the amount of many millions, have been lately paid of the treasury of the Union in the shape of land scrip. Sir, I have said this domain, thus seized by Kentucky, was equal to one-fourth part of the State. Now, suppose you had given to Ohio, Indiana, and Illinois, what Kentucky received—one-fourth part of all the lands within their respective limits—sir, it would have constructed this road through their territories ten times over. And yet, with these facts all before him, the gentleman sits weeping over the dams and slackwater of Green river like a froward child, spoiled by too much indulgence, complaining of its mother's partiality, to the really much less favored members of our common family. Sir, this is unlike Kentucky; it is unlike the uniform justice and generosity of both the gentlemen, [Messrs. Graves and Underwood,] who have so vehemently opposed this bill. I beseech them to desist. Cease to drive this Jew's bargain with your sister States. Relax the miser's gripe you have laid upon your neighbor's rights. Throw away the knife of Shylock, clothe yourselves in the robes of justice and generosity. Stand out in your true characters, and in the proper costume of your noble State. Look upon this bill with the eye of the American statesman. The interests of the whole valley we inhabit in common are the same. You can not separate

them by lines or rivers. Sir, the same cloud that dispenses its fertilizing showers upon Kentucky, drops fatness upon the States of Ohio, Indiana, and Illinois. The same sun that warms vegetation into early and vigorous life, on the rich plantations of Kentucky, also mellows the fruit and ripens the harvests that cover the vast plains outstretched upon the right bank of the Ohio. The God of Nature has decreed us a common lot, and it is vain and impious to interpose our feeble opposition to his will.

Mr. Speaker, some gentlemen have complained that one section of land out of every thirty-six has been given to the Western States for the use of common schools. Do gentlemen recollect to whom this benefit results? Who are they that inhabit the great valleys of the West? Emigrants surely from the old States of the South and East. The children to be educated there are your children. Sir, we heard (some at least) an English gentleman [Mr. Buckingham] in one of his interesting lectures lately delivered in this city, say, when speaking of British emigration to America, that he was sorry they had not sent to this country better specimens of their population. Sir, I can say to my friends on this side of the mountains, with equal sincerity, as to some of those you sent out, "I am sorry you did not send us better specimens." But the truth is, we get in the West the very best and the very worst of your population. The poor come there for bread, and the enterprising and industrious come to find a field which gives ample scope to their energies and rewards to their

labor. This fund, then, is for the education of the poor, and the rich, too, if any such there be, which you send in masses every year to the West. And I can assure gentlemen it has been faithfully applied in Ohio. It has been added to by heavy taxation upon our people. Some gentlemen (I speak it in no spirit of pride or vain boasting), some gentlemen from the old States might learn something new to them in the history of civilization, would they but visit that Western world, of which they often seem to me to know very little. They might see there, in the very spot where but yesterday the wild beasts of the wilderness seized their prey by night, and made their covert lair by day, on that same spot to-day stands the common schoolhouse, filled alike with the children of the rich and the poor—those children who are to be the future voters, officers, and statesmen of the Republic. Over that vast region, so lately red with the blood of savage war, the seed-fields of knowledge are planted, and a smiling harvest of civilization springs up. And there, too, may be seen what a Christian statesman might well admire. The schoolmaster is not alone. That holy religion, which is at last the only sure basis of permanent social or political improvement, has there its voices crying in the wilderness. Upon the almost burning embers of the war-fire, round which some barbarous chief but yesterday recounted to his listening tribe, with horrid exultation, his deeds of savage heroism, to-day is built a temple dedicated to that religion which announces "peace on earth and good-will

toward men." Yes, sir, all over that land, side by side with the humble schoolhouse, stand those

> "Steeple-towers,
> And spires whose silent finger points to Heaven."

Is it, sir, can it be in the heart of an American statesman, to check in its progress, or crush in its infancy, a social and political system which has tendencies and fruits like this? But, sir, I find myself tempted, by themes so full of hope, to wander, as some may think, into subjects having a bearing upon the immediate question, too remote to justify their discussion here. I beg to remind this House that the bill now before it is a part, small, indeed, but still a part of a system of policy which long ago you established for the Western country, which hitherto you have cherished, and which, aided by the patient, persevering labor of your people there, has produced the happy results which I have so hastily and imperfectly laid before you. I feel an assured confidence that I do not plead in vain to an American Congress in such a cause. Still should I unhappily be mistaken in this, conscious of the rectitude of my own motives, I shall cheerfully submit to whatever decision it shall please the House to make.

REPLY TO GENERAL CRARY.

[On the 14th of Feb., 1840, the Hon. Isaac E. Crary, of Michigan, having in the course of his remarks in Committee of the Whole—on referring the memorial of the National Road Convention, held at Terre Haute, Indiana, to the Committee of Ways and Means, animadverted upon the Military conduct of Gen. Harrison, Mr. Corwin, on the next day, addressed the House as follows:]

Mr. Speaker:

I am admonished, by the eager solicitations of gentlemen around me to give way for a motion to adjourn, of that practice of the House which accords us more of leisure on this day than is allowed us on any other day of the week. The servants of other good masters are, I believe, indulged in a sort of saturnalium in the afternoon on Saturday; and we have supposed that our kind masters, the people, might be willing to grant us, their most faithful slaves, a similar respite from toil. It is now past three o'clock in the afternoon, and I should be very willing to pause in discussion, were I not urged by those menacing cries of "Go on," from various parts of the House. In this state of things, I can not hope to summon to anything like attention the unquiet minds of many, or the jaded and worn-down faculties of a still larger portion of the House. I hope, however, the House will not withhold from me a boon which I have often seen granted to others, that is, the privilege of speaking without being oppressed by

a crowded audience, which is accompanied by this additional advantage, that the orator, thus situated, can at least listen to and hear himself.

If you, Mr. Speaker, and the members of this House, have given that attention to the speech of the gentleman from Michigan, [Mr. Crary,] made yesterday, which some of us here thought it our duty to bestow, I am sure the novelty of the scene, to say nothing more of it, must have arrested your curiosity, if, indeed, it did not give rise to profound reflection.

I need not remind the House that it is a rule here (as I suppose it is everywhere else where men dispute by any rule at all) that what is said in debate should be relevant and pertinent to the subject under discussion. The question before us is a proposition to instruct the committee of Ways and Means to report a bill granting four hundred and fifty thousand dollars to continue the construction of the Cumberland road in the States of Ohio, Indiana, and Illinois. The objections to the measure are, either that this Government is in no sense bound by compact to make the road, or that it is not a work of any national concern, but merely of local interest, or that the present exhausted state of the Treasury will not warrant the appropriation, admitting the object of it to be fairly within the constitutional province of Congress.

If the gentleman from South Carolina, [Mr. Pickens,] and the gentleman from Maine, [Mr. Parris,] who consider the Cumberland road a work of mere

sectional advantage to a very small portion of the people, have attended to the sage disquisitions of the gentleman from Michigan on the art of war, they must now either come to the conclusion that almost the whole of the gentleman's speech is what old-fashioned people would call a "*non sequitur*," or else that this road connects itself with not merely the military defenses of the Union, but is interwoven most intimately with the progress of science, and especially that most difficult of all sciences, the proper application of strategy to the exigencies of barbarian warfare. It will be seen that the far-seeing sagacity and long-reaching understanding of the gentleman from Michigan has discovered that, before we can vote with a clear conscience on the instructions proposed, we must be well informed as to the number of Indians who fought at the battle of Tippecanoe in 1811; how these savages were painted, whether red, black, or blue, or whether all were blended on their barbarian faces. Further, according to his views of the subject, before we vote money to make a road, we must know and approve of what General Harrison thought, said, and did, at the battle of Tippecanoe.

Again, upon this process of reasoning, we must inquire where a general should be when a battle begins, especially in the night, and what his position during the fight, and where he should be found when it is over; and particularly how a Kentuckian behaves himself when he hears an Indian warwhoop in day or night. And, after settling all these puzzling

propositions, still we must fully understand how and by whom the battle of the Thames was fought, and in what manner it then and there became our troops, regular and militia, to conduct themselves. Sir, it must be obvious that if these topics are germain to the subject, then does the Cumberland road encompass all the interests and all the subjects that touch the rights, duties, and destinies of the civilized world; and I hope we shall hear no more from Southern gentlemen of the narrow, sectional, or unconstitutional character of the proposed measure. That branch of the subject is, I hope, forever quieted, perhaps unintentionally, by the gentleman from Michigan. His military criticism, if it has not answered the purposes intended, has at least, in this way, done some service to the Cumberland road. And if my poor halting comprehension has not blundered, in pursuing the soaring upward flight of my friend from Michigan, he has in this discussion written a new chapter in the "*regulæ philosophandi*," and made not ourselves only, but the whole world his debtors in gratitude, by overturning the old worn-out principles of the "inductive system."

Mr. Speaker, there have been many and ponderous volumes written, and various unctuous discourses delivered, on the doctrines of "association." Dugald Stewart, a Scotch gentleman of no mean pretensions in his day, thought much and wrote much concerning that principle in mental philosophy; and Brown, another of the same school, but of later date, has also written and said much on the subject. This

latter gentleman, I think, calls it "suggestion;" but never, I venture to say, did any metaphysician, pushing his researches furthest and deepest into that occult science, dream that would come to pass which we have discovered and clearly developed—that is, that two subjects so unlike as an appropriation to a road in 1840, and the tactics proper in Indian war in 1811, were not merely akin, but actually, identically, the same.

Mr. Speaker, this discussion, I should think, if not absolutely absurd and utterly ridiculous, which my respect for the gentleman from Michigan and the American Congress will not allow me to suppose, has elicted another trait in the American character which has been the subject of great admiration with intelligent travelers from the old world. Foreigners have admired the ease with which we Yankees, as they call us, can turn our hands to any business or pursuit, public or private; and this has been brought forward by our own people as a proof that man, in this great and free republic, is a being very far superior to the same animal in other parts of the globe less favored than ours. A proof of the most convincing character of this truth, so flattering to our national pride, is exhibited before our eyes in the gentleman from Michigan delivering to the world a grave lecture on the campaigns of General Harrison, including a variety of very interesting military events in the years 1811, 1812, and 1813. In all other countries, and in all former times, before now, a gentleman who would either speak or be listened

to, on the subjeet of war, involving subtle criticisms on strategy, and careful reviews of marches, sieges, battles, regular and casual, and irregular onslaughts, would be required to show, first, that he had studied much, investigated fully, and digested well, the science and history of his subject. But here, sir, no such painful preparation is required; witness the gentleman from Michigan. He has announced to the House that he is a militia general on the peace establishment! That he is a lawyer we know, tolerably well read in Tidd's Practice and Espinasse's Nisi Prius. These studies, so happily adapted to the subject of war, with an appointment in the militia in time of peace, furnish him at once with all the knowledge necessary to discourse to us, as from high authority, upon all the mysteries in the "trade of death." Again, Mr. Speaker, it must occur to every one that we, to whom these questions are submitted and these criticisms are addressed, being all colonels at least, and most of us, like the gentleman himself, brigadiers, are, of all conceivable tribunals, best qualified to decide any nice point connected with military science. I hope the House will not be alarmed by an impression that I am about to discuss one or the other of the military questions now before us at length, but I wish to submit a remark or two, by way of preparing us for a proper appreciation of the merits of the discourse we have heard. I trust, as we are all brother officers, that the gentleman from Michigan and the two hundred and forty colonels or generals of this

honorable House, will receive what I have to say, as coming from an old brother in arms, and addressed to them in a spirit of candor,

"Such as becomes comrades free,
Reposing after victory."

Sir, we all know the military studies of the gentleman from Michigan before he was promoted. I take it to be beyond a reasonable doubt, that he had perused with great care the title-page of "Baron Steuben." Nay, I go further; as the gentleman has incidentally assured us he is prone to look into musty and neglected volumes, I venture to assert, without vouching the fact from personal knowledge, that he has prosecuted his researches so far, as to be able to know that the rear rank stands right behind the front. This, I think, is fairly inferable from what I understand him to say of the two lines of encampment at Tippecanoe. Thus we see, Mr. Speaker, that the gentleman from Michigan, so far as study can give us knowledge of a subject, comes before us with claims to great profundity. But this is a subject which, of all others, requires the aid of actual experience to make us wise. Now the gentleman from Michigan, being a militia general, as he has told us, his brother officers, in that simple statement has revealed the glorious history of toils, privations, sacrifices, and bloody scenes, through which we know, from experience and observation, a militia officer in time of peace is sure to pass. We all, in fancy, now see the gentleman from Michigan in that most

dangerous and glorious event in the life of a militia general on the peace establishment—a parade day! The day for which all the other days of his life seem to have been made. We can see the troops in motion; umbrellas, hoe and ax-handles, and other like deadly implements of war overshadowing all the field, when lo! the leader of the host approaches,

"Far off his coming shines;"

his plume, white, after the fashion of the great Bourbon, is of ample length, and reads its doleful history in the bereaved necks and bosoms of forty neighboring hen-roosts! Like the great Suwaroff, he seems somewhat careless in forms and points of dress; hence his epaulettes may be on his shoulders back or sides, but still gleaming, gloriously gleaming in the sun. Mounted he is, too, let it not be forgotten. Need I describe to the colonels and generals of this honorable House the steed which heroes bestride on such occasions? No, I see the memory of other days is with you. You see before you the gentleman from Michigan mounted on his crop-eared, bushy-tailed mare, the singular obliquities of whose hinder limbs is described by that most expressive phrase, "sickle hams"—her hight just fourteen hands, "all told;" yes, sir, there you see his "steed that laughs at the shaking of the spear;" that is, his "war-horse whose neck is clothed with thunder." Mr. Speaker, we have glowing descriptions in history, of Alexander the Great and his war-horse Bucephalus, at the head of the invincible Macedonian phalanx, but, sir, such

are the improvements of modern times, that every one must see that our militia general, with his crop-eared mare, with bushy tail and sickle ham, would literally frighten off a battle-field a hundred Alexanders. But, sir, to the history of the parade-day. The general thus mounted and equipped is in the field, and ready for action. On the eve of some desperate enterprise, such as giving order to shoulder arms, it may be, there occurs a crisis, one of the accidents of war which no sagacity could foresee or prevent. A cloud rises and passes over the sun! Here an occasion occurs for the display of that greatest of all traits in the character of a commander, that tact which enables him to seize upon and turn to good account events unlooked for as they arise. Now for the caution wherewith the Roman Fabius foiled the skill and courage of Hannibal. A retreat is ordered, and troops and general, in a twinkling, are found safely bivouacked in a neighboring grocery! But even here the general still has room for the exhibition of heroic deeds. Hot from the field, and chafed with the untoward events of the day, your general unsheaths his trenchant blade, eighteen inches in length, as you will well remember, and with an energy and remorseless fury he slices the watermelons that lie in heaps around him, and shares them with his surviving friends. Other of the sinews of war are not wanting here. Whisky, Mr. Speaker, that great leveler of modern times, is here also, and the shells of the watermelons are filled to the brim. Here again, Mr. Speaker, is shown

how the extremes of barbarism and civilization meet. As the Scandinavian heroes of old, after the fatigues of war, drank wine from the skulls of their slaughtered enemies, in Odin's Halls, so now our militia general and his forces, from the skulls of melons thus vanquished, in copious draughts of whisky assuage the heroic fire of their souls, after the bloody scenes of a parade-day. But, alas, for this short-lived race of ours, all things will have an end, and so even is it with the glorious achievements of our general. Time is on the wing, and will not stay his flight; the sun, as if frightened at the mighty events of the day, rides down the sky, and at the close of the day when "the hamlet is still," the curtain of night drops upon the scene;

> "And glory, like the phœnix in its fires,
> Exhales its odors, blazes, and expires."

Such, sir, has been the experience in war of the gentleman from Michigan. We know this from the simple annunciation that he is and has been a brigadier of militia in time of peace; and now, having a full understanding of the qualifications of our learned general, both from study and practice, I hope the House will see that it should give its profound reflection to his discourses on the art of war. And this it will be more inclined to, when we take into view that the gentleman has, in his review of General Harrison's campaigns, modestly imputed to the latter great mistakes, gross blunders, imbecility, and even worse than this, as I shall show hereafter. The

force, too, of the lecture of our learned and experienced friend from Michigan is certainly greatly enhanced, when we consider another admitted fact, which is, that the general whose imbecility and errors he has discovered, has not, like the gentleman from Michigan, the great advantage of serving in watermelon campaigns, but only fought fierce Indians in the dark forests of the West, under such stupid fellows as Anthony Wayne, and was afterward appointed to the command of large armies by the advice of such an inexperienced boy as Gov Shelby, the hero of King's Mountain.

And now, Mr. Speaker, as I have the temerity to entertain doubts, and with great deference to differ in my opinions on this military question with the gentleman from Michigan, I desire to state a few historical facts concerning General Harrison, whom the general from Michigan has pronounced incapable, imbecile, and, as I shall notice hereafter, something worse even than these. General Harrison was commissioned by General Washington an officer in the regular army of the United States in the year 1791. He served as aid to General Anthony Wayne, in the campaign against the Indians, which resulted in the battle of the Rapids of the Maumee, in the fall of 1794. Thus, in his youth, he was selected by General Wayne as one of his military family. And what did this youthful officer do in that memorable battle of the Rapids? Here, Mr. Speaker, let me summon a witness merely to show how military men may differ. The witness I call to controvert the

opinion of the gentleman from Michigan is General Anthony Wayne. In his letter to the Secretary of War, giving an account of the battle of the Rapids, he says:

"My faithful and gallant Lieutenant Harrison rendered the most essential services, by communicating my orders in every direction, and by his conduct and bravery exciting the troops to press for victory."

Sir, this evidence was given by General Wayne in the year 1794, some time, I imagine, before the gentleman from Michigan was born, and long before he became a militia general, and long, very long, before he ever perused the title-page of Baron Steuben. Mr. Speaker, let me remind the House, in passing, that this battle and victory over the Indian forces of the North-west, in which, according to the testimony of General Wayne, "Lieutenant Harrison rendered the most essential services by his conduct and bravery," gave peace to an exposed line of frontier, extending from Pittsburgh to the southern borders of Tennessee. It was, in truth, the close of the war of the Revolution, for the Indians who took part with Great Britain in our Revolutionary struggle never laid down their arms until after they were vanquished by Wayne in 1794.

We now come to see something of the man, the general, whose military history our able and experienced general from Michigan has reviewed. We know that debates like this have sometimes been had in the British Parliament. There, I believe, the discussion was usually conducted by those

in the House, who have *seen*, and not merely *heard*, of service. We all know that Colonel Napier has, in several volumes, reviewed the campaigns of Wellington, and criticised the movements and merits of Beresford, and Soult, and Massena, and many others, quite, yes, I say *quite* as well known in military history as any of us, not even excepting our general from Michigan. We respect the opinions of Napier, because we know he not only *thought* of war, but that he *fought* too. We respect and admire that combination of military skill, with profound statesmanlike views, which we find in "Cæsar's Commentaries," because we know the "mighty Julius" was a soldier, trained in the field, and inured to the accidents and dangers of war. But, sir, we generals of Congress require no such painful discipline to give value to our opinions. We men of the nineteenth century know all things intuitively. We understand perfectly the military art by nature. Yes, sir, the notions of the gentleman from Michigan, agree exactly with a sage by the name of "Dogberry," who insisted that "reading and writing come by nature." Mr. Speaker we have heard and read much of the "advance of knowledge, the improvement of the species, and the great march of mind," but never till now have we understood the extent of meaning in these pregnant phrases. For instance, the gentleman from Michigan asserts that General Harrison has none of the qualities of a general because, at the battle of Tippecanoe he was found at one time at a distance from his tent, urging his men on to battle. He exposed

his person too much, it seems. He should have staid at his tent, and waited for the officers to come to him for orders. Well, sir, see now to what conclusion this leads us. Napoleon seized a standard at Lodi, and rushed in front of his columns across a narrow bridge, which was swept by a whole park of German artillery. Hence, Napoleon was no officer; he did not know how to command an army. He, like Harrison, exposed his person too much. Oh, Mr. Speaker, what a pity for poor Napoleon that he had not studied Steuben, and slaughtered watermelons with us natural-born generals of this great age of the world! Sir, it might have altered the map of Europe; nay, changed the destinies of the world!

Again: Alexander the Great spurred his horse foremost into the river, and led his Macedonians across the Granicus to rout the Persians who stood full opposed on the other side of the stream. True, this youth conquered the world, and made himself master of what had constituted the Medean, Persian, Assyrian, and Chaldean empires. Still, according, to the judgment of us warriors by nature, the mighty Macedonian would have consulted good sense by coming over here, if, indeed, there were any here hereabouts in those days, and studying, like my friend from Michigan, first Tidd's Practice, and Espinasse's Nisi Prius, and a little snatch of Steuben, and serving as a general of militia awhile. Sir, Alexander the Great might have made a man of himself in the art of war, had he even been a member of our Congress, and heard us colonels discuss

the subject of an afternoon or two. Indeed, Alexander, or Satan, I doubt not, would have improved greatly in strategy by observing, during this session, the tactics of the Administration party on the New Jersey election question. Mr. Speaker, this objection to a general, because he will fight, is not original with my friend from Michigan. I remember a great authority, in point, agreeing with the gentleman in this. In the times of the Henrys, 4th and 5th, of England, there lived one Captain Jack Falstaff. If Shakspeare may be trusted, his opinions of the art military were exactly those of the gentleman from Michigan. He uniformly declared as his deliberate judgment on the subject, that "discretion was the better part of valor;" and this is an authority for the gentleman. But who shall decide? Thus the authority stands—Alexander, the mighty Greek, and Napoleon Bonaparte, and Harrison, on one side, and Captain John Falstaff and the General from Michigan on the other! Sir, I must leave a question thus sustained by authorities, both ways, to posterity. Perhaps the lights of another age may enable the world to decide it; I confess my inability to say on which side the weight of authority lies.

I hope I may obtain the pardon of the American Congress for adverting, in this discussion, to another matter, gravely put forward by the gentleman from Michigan. Without the slightest feeling of disrespect to that gentleman, I must be allowed to say that his opinions, (hastily, I am sure,) obtruded on

the House on this military question, can only be considered as subjects of merriment.

But I come to notice, since I am compelled to it, one observation of the gentleman, which I feel quite certain, on reflection, he will regret himself. In a sort of parenthesis in his speech, he said that a rumor prevailed at the time, (alluding to the battle of Tippecanoe,) that Colonel Joseph H. Davies of Kentucky, who commanded a squadron of cavalry there, was, by some trick of General Harrison, mounted, during the battle, on a white horse belonging to the General, and that, being thus conspicuous in the fight, he was a mark for the assailing Indians, and fell in a charge at the head of his men. The gentleman says he does not vouch for the truth of this. Sir, it is well that he does not vouch here for the truth of a long-exploded slander. It requires a bold man, a man possessing a great deal of moral courage, to make even an allusion to a charge such as that, against one whose only possessions in this world are his character for courage and conduct in war in his country's defense, and his unstained integrity in the various civil offices it has been his duty to occupy. Did not the gentleman know that this vile story was known by every intelligent man west of the mountains to be totally without foundation? The gentleman seemed to appeal to the gallant Kentuckians to prove the truth of this inuendo. He spoke of the blood of their countrymen so profusely poured out at Tippecanoe, as if they would give countenance to

the idea that the gallant Davies, who fell in that engagement, fell a victim to the artifice of the commanding general, and their other gallant sons who fell there, were wantonly sacrificed by the gross ignorance of General Harrison in Indian warfare. Now, sir, before the gentleman made his appeal, he should have remembered a few historical facts, which, if known to him, as I should suppose they were to every other man twenty years of age in Western America, would make the whole speech of that gentleman little else than a most wanton insult to the understanding of the people and Government of Kentucky. Let us briefly notice the facts.

In November, 1811, the battle of Tippecanoe was fought. There Colonel Davies and Colonel Owens, with other Kentuckians, fell. These, says the gentleman, (at least he insinuates it,) were sacrificed by either the cowardly artifice or by the ignorance of General Harrison. Now, Mr. Speaker, I abhor the habit of open flattery, nay, I do not like to look in the face of a man, and speak of him in warm terms of eulogium, however he may deserve it; but, sir, on this occasion I am obliged to say what history will attest of the people of Kentucky. If any community of people ever lived, from the time of the dispersion on the plain of Shinar up to this day, who were literally cradled in war, it is to be found in the State of Kentucky. From the first exploration of the country by Daniel Boone up to the year 1794, they were engaged in one incessant battle with the savages of the West. Trace the path of an Indian incursion

anywhere over the great valley of the West, and you will find it red with Kentucky blood. Wander over any of the battle-fields of that great theater of savage war, and you will find it white with the bones of her children. In childhood they fought the Indians, with their sisters and mothers, in their dwellings. In youth and ripe manhood they fought them in ambuscades and open battle-fields. Such were the men of Kentucky in 1811, when the battle of Tippecanoe was fought. There, too, as we know, they were still found, foremost where life was to be lost, or glory won; and there they were commanded by General Harrison. Now sir, if in that battle General Harrison had not conducted as became a soldier and a general, would not such men have seen and known it? Did Kentucky in 1811, mourning as she then did the loss of one of her greatest and most valued citizens, condemn (as the gentleman from Michigan has attempted to) the conduct of the General who commanded in that battle? Let us see how they testified.

In January, 1812, two months after the battle of Tippecanoe, the Legislature of Kentucky was in session. On the 7th of January, 1812, the following resolution passed that body:

"*Resolved, by the Senate and House of Representatives of the State of Kentucky*, That in the late campaign against the Indians upon the Wabash, Governor William Henry Harrison has behaved like a hero, a patriot, and a general; and that for his cool, deliberate, skillful, and gallant conduct in the battle of

Tippecanoe, he well deserves the warmest thanks of his country and his nation."

Mr. Speaker, the resolution I have just read was presented by John J. Crittenden, now a Senator from the State of Kentucky, whom to name is to call to the minds of all who know him, a man whose urbanity and varied accomplishments present a model of an American gentleman—whose wisdom, eloquence, and integrity have won for him the first rank among American statesmen. Such a man, with both branches of the Kentucky Legislature, have testified, two months only after the event took place, that, in the campaign and battle of Tippecanoe, General Harrison combined the skill and conduct of an able commander with the valor of a soldier, and the patriotism of an American. Who rises up, twenty-eight years afterward, to contradict this? The young gentleman from Michigan! He who, at the time referred to, was probably conning Webster's spelling-book in some village school in Connecticut. But, Mr. Speaker, I must call another witness upon the point in issue here. On the 12th of November, 1811, the Territorial Legislature of Indiana was in session. This is just five days after the battle. That Legislature, through the Speaker of its House of Representatives, General William Johnson, addressed General Harrison in the following terms:

"Sir: The House of Representatives of the Indiana Territory, in their own name, and in behalf of their constituents, most cordially reciprocate the congratulations of your Excellency on the glorious result of

the late sanguinary conflict with the Shawnee Prophet, and all the tribes of Indians confederated with him. When we see displayed in behalf of our country not only the consummate abilities of the general, but the heroism of the man; and when we take into view the benefits which must result to that country from those exertions, we can not for a moment withhold our meed of applause."

Here, sir, we have two Legislatures of the States whose citizens composed the militia force at Tippecanoe, grieved and smarting under the loss of their fellow-citizens, uniting in solemn council in bearing their testimony to the skill and bravery displayed by General Harrison in that battle, which the gentleman from Michigan, with a self-complacency that might well pass for insanity, now says *he* has discovered was marked by palpable incapacity in the commanding General. But, Mr. Speaker, I must call yet another, nay, several other witnesses, to confront the opinion of the Michigan General.

In August, 1812, about nine months after the battle of Tippecanoe, news of fearful import concerning the conduct of General Hull, reached Ohio and Kentucky. Our army had fallen back on Detroit, and rumors of the surrender of that place to the British, which did actually take place, were floating on every breeze. Three regiments of militia were immediately raised in Kentucky. Before these troops had taken the field, it was well known that our army under Hull, with the whole Territory of Michigan, had been surrendered to the combined British and

Indian forces, commanded by Brock and Tecumseh. Our whole frontier in the North-west lay bare and defenseless to the invasion not only of the British army, but the more terrible incursion of a savage foe, hungry for plunder and thirsting for blood, led on by the most bold and accomplished warrior that the tribes of the red-man had ever produced. In this state of peril, the gallant army of Kentucky looked round for a leader equal to the imminent and momentous crisis. There was Scott, the then Governor of Kentucky, who had fought through the Revolutionary war, and under the eye of Washington had risen to the rank of brigadier in the regular service. There, too, was the veteran Shelby, one of the heroes of King's Mountain, a name that shall wake up the tones of enthusiam in every American heart while heroic courage is esteemed, or lofty integrity remains a virtue. There, too, was Clay, whose trumpet tongue in this hall was worth a thousand cannon in the field. These were convened in council. This, let us not forget, was about nine months after the battle of Tippecanoe. Whom, sir, I ask, did these men select to lead their own friends and fellow-citizens on to this glorious enterprise? Their laws required that their militia should be commanded by one of their own citizens; yet passing by Scott, and Shelby, and thousands of their own brave sons, this council called General Harrison, then Governor of Indiana—he who had commanded Kentuckians but nine months before at Tippecanoe—he who, according to the gentleman from Michigan, had shown no

trait but imbecility, as an officer—he, against the laws of Kentucky, was by such a council asked to resign his station as Governor of Indiana, and take the rank and commission of Major-General in the Kentucky militia, and lead on her armies in that fearful hour, to redeem our national disgrace, and snatch from British domination and savage butchery the very country now represented by the gentleman from Michigan. I have yet one other witness to call against the gentleman from Michigan. Sir, if the last rest of the illustrious dead is disturbed in this unnatural war upon a living soldier's honor, and a living patriot's fame, the fault is not mine. It will appear presently that the gentleman from Michigan has—unwittingly, it may be—dishonored and insulted the dead, and charged the pure and venerated Madison with hypocrisy and falsehood. If General Harrison had been the weak, wicked, or imbecile thing the gentleman from Michigan would now pretend, was not this known to Mr. Madison, then President of the United States, who gave the orders under which General Harrison acted, and to whom the latter was responsible for his conduct? Surely no one can suppose that there were wanting those who, if they could have done so with truth, would have made known any conduct of General Harrison at the time referred to, which seemed in any degree worthy of reprehension. With all these means of information, what was the testimony of Mr. Madison respecting the battle of Tippecanoe? I will quote his own words from his message to Congress about a month

after the event. The message is dated 18th December, 1811, and reads as follows:

"While it is deeply lamented that so many valuable lives have been lost in the action which took place on the 7th ultimo, Congress will see with satisfaction the dauntless spirit of fortitude victoriously displayed by every description of troops engaged, as well as the collected firmness which distinguished their commander on an occasion requiring the utmost exertions of valor and discipline."

Mr. Speaker, I have no pleasure in thus recapitulating and piling proof upon proof to repel an insinuation, which I think is now apparent to all has been thrown out in the madness of party rage, without consideration, and founded only on a total perversion, or rather flat contradiction, of every historical record having relation to the subject.

Something was said by the gentleman from Michigan about the encampment at Tippecanoe. If I understood him rightly, he condemned it as injudicious, because it had a river on one side and a morass on another. Now, Mr. Speaker, I shall give no opinion on the question thus stated; but it just now occurs to me that this very subject, which I think in the military vocabulary is called castrametation, admits of some serious injury bearing upon the criticism under consideration. In almost all scientific research, we find that what is now reduced to system, and arises to the dignity of science, was at first the product of some casualty, which, falling under the notice of some reflecting mind, gave rise to surprising

results. The accidental falling of an apple developed the great law of gravitation. I am sure I have somewhere seen it stated that Pyrrhus, the celebrated King of Epirus, who is allowed by all authority to have been the first general of his time, first learned to fortify his camp by having a river in his rear and a morass on his flank; and this was first suggested to him, by seeing a wild boar, when hunted to desperation, back himself against a tree or rock, that he might fight his pursuers, without danger of being assailed in his rear. Now, sir, if I comprehend the gentleman from Michigan, he has against him on this point not only the celebrated king of Epirus, but also the wild boar, who, it seems, was the tutor of Pyrrhus in the art of castrametation. Here, then, are two approved authorities, one of whom nature taught the art of war, as she kindly did us colonels, and the other that renowned hero of Epirus, who gave the Romans so much trouble in his time. These authorities are near two thousand years old, and, as far as I know, unquestioned, till the gentleman from Michigan attacked them yesterday. Here, again, I ask who shall decide? Pyrrhus and the boar on one side, and the gentleman from Michigan on the other. Sir, I decline jurisdiction of the question, and leave the two hundred and forty colonels of this House to settle the contest, "*non nostrum tantes componere lites.*"

Mr. Speaker, I feel it quite impossible to withdraw from this part of the debate, without some comment on another assertion, or rather intimation, of the gen-

tleman from Michigan, touching the conduct of General Harrison at the battle of the Thames. All who have made themselves acquainted with the history of that event, know that the order which the American army was to attack the combined force of British and Indians at the Thames was changed at the very moment when the onset was about to be made. This order of the General drew forth from Commodore Perry and others, who were in the staff of the army, and on the ground at the time, the highest encomiums. The idea of this change in the plan of attack, it is now intimated, was not original with General Harrison, but was, as the gentleman seems to intimate, suggested to him by another, who, it is said, was on the ground at the time. Who that other person is, or was, the gentleman has not said, but seemed to intimate he was now in the other end of the Capitol! and thus we are led to suppose that the gentleman intends to say that Colonel Johnson, the Vice President, is the gentleman alluded to. Sir, I regret very much that the gentleman should treat historical facts in this way. If there be any foundation for giving Colonel Johnson the honor of having suggested to General Harrison a movement for which the latter has received great praise, why not speak out and say so? Why insinuate? Why hint or suppose on a subject susceptible of easy and positive proof? Does not the gentleman know that he is thus trifling with the character of a soldier, playing with reputation dearer than property or life to its possessor? Sir, I

wish to know if Colonel Johnson, the Vice President of the United States, has, by any word or act of his, given countenance to this insinuation? It would be well for all who speak at random on this subject to remember that there are living witnesses yet who can testify to the point in question. It may not be amiss to remind some that there is extant a journal of Colonel Wood, who afterward fell on the Niagara frontier. For the benefit of such, I too, will state what can be proved in relation to the change made by General Harrison in the order of attack at the Thames.

The position of the British and Indians had been reported to General Harrison by volunteer officers—brave men, it is true, but who, like many of us, were officers who had not seen a great deal of hard fighting. On this report the order of attack first intended was founded, but, before the troops were ordered on the attack, Colonel Wood was sent to examine and report the extent of front occupied by the British troops. Colonel Wood's military eye detected at once what had escaped the unpracticed observation of the others—that is, that the British regulars were drawn up in open order—and it was on his report that, at the moment, the change was made by General Harrison in the order of the attack—a movement which, in the estimation of such men as Wood, and Perry, and Shelby, was enough of itself to entitle General Harrison to the highest rank among the military men of the age.

Mr. Speaker, when I review the historical testimony touching this portion of General Harrison's history, I confess my amazement at the Quixotic, (I pray my friend from Michigan to pardon me), but I must call it the Quixotic exhibition which he has made of himself. Sir, the gentleman had no need to tell us he was a general of militia. His conduct, in this discussion, is proof of that—strong even as is his own word for the fact. He has shown all that reckless bravery which has always characterized our noble militia, but he has also, in this attack, shown that other quality of militia troops which so frequently impels them to rush blindly forward, and often to their own destruction. I should like to hear many of the brave men around me speak of General Harrison. Some there are now under my eye who carry British bullets in their bodies, received while fighting under the command of General Harrison. I should be glad to hear my whole-souled and generous-hearted friend from Kentucky [Major Butler], who agrees with the gentleman from Michigan in general politics, who has not merely heard of battle, but who has mingled in war in all its forms, and fought his way from the ranks up to the head of a battalion—I say I should be glad to hear his opinions of the matters asserted, hinted at, and insinuated by the gentleman from Michigan.

Why, I ask, is this attempt to falsify the common history of our country made now, and why is it made here? Is it vainly imagined that Congressional

speeches are to contradict accredited, long-known historical facts? Does the fierce madness of party indulge a conception so wild?

Sir, I repeat, that I feel only amazement at such an attempt. I could not sit still and witness it in silence. Much as I desired to speak to the House and the country on the question touching the Cumberland road, I should have left it to others had I not been impelled to get the floor to bear my testimony against the gross injustice which I thought was about to be done to a citizen—an honored, cherished citizen of my own State. This House, Mr. Speaker, knows that I am not given to much babbling here. Yes, sir, you all know that, like Balaam's ass, I never speak here till I am kicked into it. I may claim credit, therefore, for sincerity, when I declare that a strong sense of justice alone could have called me into this debate. Let me now remind gentlemen who may be tempted into a similar course with my friend from Michigan, that all such efforts must recoil with destructive effect upon those who make them. Sir, it has been the fortune of General Harrison to be identified with the civil and military history of this country for nearly half a century. What is to be gained, even to party, by perverting that history? Nothing. You may blot out a page of his biography here, and tear out a chapter of history there; nay, you may, in the blindness of party rage, rival the Vandal and the Turk, and burn up all your books, and what then have you effected? Nothing

but an insane exhibition of impotent party violence. General Harrison's history would still remain in the memory of his and your cotemporaries; and coming events, not long to be delayed, will show to the world that his history, in both legislation and war, dwells not merely in the memories of his countrymen, but is enshrined in their gratitude and engraven upon their hearts.

Mr. Speaker, I come now to the discussion of what is really the question before the House, and with the hope that I may be entitled to the floor on Monday, I will, if it be the pleasure of the House, give way for a motion to adjourn. If I can obtain the floor on Monday, I promise the House that nothing shall tempt me to wander from the question touching the appropriation for the Cumberland road, a work which, if it be not crushed by the wretched policy of the Administration, will reflect as much glory upon your civil history as the deeds of the great and patriotic citizen whose conduct I have been compelled to notice, ever did upon your military annals.

[At this point the House adjourned until the following Monday, when Mr. Corwin resumed, but his remarks were never fully reported.

INAUGURAL ADDRESS.

[Delivered to the Legislature of Ohio, December 16th, 1840.]

GENTLEMEN OF THE SENATE
AND HOUSE OF REPRESENTATIVES:

Having been properly advised of my election to the office of Governor of the State, I am here, in obedience to the law, to enter upon the discharge of those duties which the constitution and laws of Ohio devolve upon that officer.

Few and comparatively unimportant as are the duties which our constitution has assigned to the chief executive magistrate of the State, still it is obvious that an upright and faithful discharge of these is due to the interests as well as the just expectations of the people.

While I am fully impressed with that truth, so prominent in all systems of representative government, that every public functionary, chosen by the people, is but the instrument selected for the execution of those principles of government which prompt the bestowment of their suffrages upon him, yet I can not omit the present as the most proper occasion for expressing the deep sense I entertain of the honor which, in this instance, that selection has conferred upon me. The grateful recollection which I shall

ever cherish of this distinguished testimonial of its confidence, with the interest I can not but feel, in common with every citizen, for the advancement of the lasting prosperity and true glory of the State, will, I trust, furnish at all times adequate motives to myself, and sure guarantees to the people, for at least an honest and faithful effort in all things falling within the constitutional limits of executive duty. The narrow limits within which the executive power is circumscribed by the constitution of Ohio, has been the subject of much curious speculation—of no little censure by some, and of high encomium by others. Neither the Constitution of the United States, nor those of few, if any, of the States in the Union, furnish a parallel to this strongly-defined feature in ours. With us the executive has no agency whatever in the enactment of laws, except the very feeble and humble one, if agency it may be called, of "*recommending* such measures as he may deem expedient." The laws, when passed through both branches of the Legislature, are not submitted for executive approval, nor has he, in any contingency, that "veto power" which, by one class of political philosophers, has been deemed essential to protect the people against a supposed hasty, impolitic, or unconstitutional action of the legislative department. Except in one or two instances of very subordinate character, the power of appointment to office by the Governor is limited to such vacancies as may occur in the recess of the Legislature; and such appointments, when made, expire, by express limitation, at

the close of the next succeeding session of that body. The admirers of a strong executive have, in my judgment, most erroneously supposed that a large patronage, resulting from the power of appointment to office, was a necessary branch of executive power, in order to give stability to the Government, and secure a prompt and faithful execution of the laws. The denial of this, as well as the *veto power*, to the Executive by our constitution (forming, as they do, a striking peculiarity), can probably only be rationally accounted for by reference to the history of the times which gave it birth.

The constitution of Ohio was formed in November, 1802, very soon after a most animated struggle between two great political parties in the United States, which had resulted in the election of Mr. Jefferson to the Presidency. Of the questions which divided the people of that day, that touching the powers and patronage of the Executive was prominent. They who favored a restricted power, and stinted executive patronage, prevailed; and of this school (then denominated Republican) was the convention that framed our Constitution. A fearful jealousy of executive power, with a strong conviction of the pernicious influence of executive patronage, all will agree, are indelibly impressed upon their work; and our experience of nearly forty years has given abundant proofs of the wisdom which (in this respect at least) exerted its influence upon their labors. Under this system, Ohio, it is believed, has advanced, with a pace equal to any of her sister States, in the augmen-

tation of her population and the development of her resources; nor in those laws and social institutions which advance the intellectual and moral condition of a people, need she fear a comparison with much older communities, governed by different organic laws. Under this constitution, the rights of person and property have been fully protected; all the great guarantees of civil liberty have been preserved; and, in the vicissitudes of war and peace, the laws have, in general, been promptly and vigorously enforced. If occasional and even flagrant exceptions to this view of our history are to be found, it will be readily seen that they were of short duration, and had not their origin in the want of executive power to prevent or control them. After an interval of forty years, the people of the United States have again agitated the subject of a strong or restricted executive action in the Federal Government, and again decided it as they did in 1800—furnishing to the citizen of Ohio another proud testimonial of the excellence, in this particular, of the constitution under which he lives.

I advert to this subject now with no view to particular legislation, but upon the supposition that a contingency may arise when it may become the duty of the Legislature to express, in the usual way, the opinions of the State upon it, in reference to some modification of the executive power, as defined in the Constitution of the United States.

Under our complex system of government, no subject has given rise to greater difficulty, or variety of

opinion, than that of the true division of legislative power, under the Constitution, between the General Government and the States.

On all subjects of this character, prudence and patriotism alike demand that both parties should forbear, if possible, to enter the field of conflict in pursuit of a questionable claim of jurisdiction. That spirit of concession, so powerfully operative in the formation of the Federal Constitution, should always be invoked by those whose duty it may be, either as officers of the General or State authorities, to fix its true interpretation. When we regard, however, the invariable tendency of power to reach after still further and more extended dominion, and when we consider the obvious advantage which the National Government enjoys in a conflict with a single State of the Union, arising from its greater wealth and patronage, and by consequence its superior influence over public opinion, it becomes the obvious duty of the State Legislatures to watch with vigilance, and, on all questions not within the province of the judiciary, to assert, in a peaceful yet resolute tone, the claims and powers of the weaker party.

The present financial condition of our State, as well as the intrinsic importance of the subject, will, I am sure, justify me in bestowing, at this time, a passing notice on a claim often preferred by Ohio, with many other States in the Union, the adjustment of which, though at one time on the point of completion, still remains a subject open for the consideration and final action of Congress.

Several years ago, Congress, by very full majorities in both branches, passed an act providing for distributing the moneys arising from the sale of the public lands among the States. This act was predicated upon the proposition that the public lands were held by Congress in trust; that the objects of the trust were specified in the deeds of cession comprehending these lands; that these deeds of cession were compacts; that the parties to these compacts had agreed that the lands so ceded should be sold by the General Government, and the moneys arising from the sale should be appropriated to the payment of the then national debt, and then the remainder should be distributed among the several States of the Union in a specified proportion. At the time of the passage of this bill, the national debt was entirely extinguished, and it was believed by Congress that the contingency had occurred upon which the distribution among the States should commence. This argument, derived from the notion of a compact embracing the subject-matter of the bill, did not comprehend that portion of the public domain embraced within the purchase of Louisiana and Florida, ceded directly to the General Government by France and Spain respectively.

The propriety of subjecting this last class to the principle of distribution was founded on a variety of considerations. It was believed by many, whose opinions are entitled to great consideration, that the public domain was not properly, nor ever should be, considered a source of revenue to the national trea-

sury. A belief then prevailed, to such extent as to amount to almost universal admission, that under any properly-adjusted system of impost duties on foreign goods, the moneys arising from that source would be always equal to the wants of the General Government in time of peace, while those wants should be limited by that strict economy and republican simplicity which should always characterize the institutions of a free people. The principles of administration, then and since avowed by the General Government, also give to this claim of the States an equity which, under other circumstances, might not so clearly appear. With very few exceptions, the General Government will expend no money out of the national treasury for the internal improvement of the country. This necessarily left the whole expense of prosecuting a system of internal improvement to be borne by the States, and for which the States have contracted debts that bear heavily upon their citizens, in the shape of direct taxes. Many of the works thus undertaken were of a character truly national, and demanded alike by the enterprising spirit of the age, and the true interests of the whole country. In the same spirit of enlightened patriotism, and believing that our institutions are based upon equality, and that every such system implies equality in knowledge, and the means of attaining to it as nearly as possible; systems of common-school education, carrying its benefits alike to the high and the lowly, the rich and the poor, have been adopted by many of the States. These impose

additional taxes upon the people of the States, which, though as yet cheerfully paid, I am proud to declare, in our State, do, nevertheless, go to promote objects of vital import, as well to the nation collectively, as the States, considered in their separate and sovereign character. Against any appropriation for this great and essential national object, the doors of the Federal treasury have been, and probably in all time to come will remain, forever closed. These and other kindred considerations brought Congress, the legitimate trustees of the fund, to the conclusion that it should be distributed among the States. The Federal representation of each was assumed as the most equitable rule of distribution, and adopted accordingly.

It would seem that the justice and propriety of conceding this claim to the States, should not now be a question. By the passage of the act to which I refer, Congress, the proper trustees of the fund, and the only legitimate guardians of the national treasury, has acknowledged the right, and given its sanction to the expediency of the measure. The reason, and the only reason, why we are not at this moment in the enjoyment of our proportion of this rich fund, is to be found in the fact, that the President, then in the executive chair, refused his assent to the bill for that purpose; thus, by the will of one man, nullifying the combined resolves of the representatives of both the people and the States. It is a singular fact, and worthy our attention, as illustrating the operation of the veto power of the President, and the influence

it gives to the opinion of one man over the opinions of many, that a majority of the sovereign States of the Union have, at various times, insisted on the distribution of this fund as a matter of policy, and many of them as a matter of positive right, and Congress have, in pursuance of this undoubted expression of the wishes of the States and people, enacted a law; and yet, by the simple interposition of the will of one other branch of the Government, the will and power of the people and the States are rendered of no effect.

Neither duty nor inclination invite me to bring to your notice all those subjects to which your attention has been called by my predecessor, in the proper discharge of his duties; yet, in the present condition of our affairs as a State, and in view of the onerous taxation, which must continue for some time to press heavily on the people, I have thought it my imperative duty, at the earliest proper moment, to solicit your attention to this subject.

It is scarcely possible to suggest an idea touching the proper revenues of the State, or our prospects as a people, without associating with these, in our thoughts, the condition of that currency which is the measure of value, to all property and labor, and which, therefore, may be considered as one of the indispensable elements of a social state of existence. Wherever society has advanced to the point where there is such a division of labor, as that the products of one become necessary to another, there some representative of the value of such exchangeable

commodities has been invented. As any community advances in population, and multiplies the variety and quantity of its productions, this representative of value also increases in amount, so as to insure a ready and convenient transfer of the labor of one portion to another, without the slow, and, in many instances, impracticable process of barter between the two. Wherever a thriving and industrious community, with ample means to apply its labor to future acquisitions, has been found, there the proceeds of that labor in the future have supplied the place of this medium of exchange, in the form of credit; and this last has, by experience, been found in general so safe, that in governments where a stable order of things prevails, and the rights of the citizens are well protected, it has obtained universal prevalence. Among the inventions of nations most commercial, and farthest advanced in civilization, to supply this medium of trade, banks of circulation, as modern institutions of that sort are called, have borne a conspicuous part. After the experience of hundreds of years, since their first appearance, they still survive, and may be said, at this time, to be more prevalent than at any former period. So thoroughly have these institutions been wrought into the texture of the affairs of the world, that they have, even in our country, been chartered and sustained by the common consent of those who differed widely on every other great question of public policy. It is not now, therefore, a question whether banks shall continue among us in Ohio, but only under what

modifications and restrictions, they shall be permitted to live. With three or four exceptions, the charters of all the banks in Ohio will expire in two years from this time. They have, I believe, at this time a debt due them, which, in the aggregate, amounts to about ten millions of dollars. If their charters are not to be renewed, then it is not merely the dictate of prudence, but the command of necessity, that they should cease to make further issues, and by every proper means endeavor to collect their debts, and close finally their entire business. Should the great curtailment, almost ruinous, which has taken place in the circulation of the banks of this State, within the last eighteen months, be followed by the collection of the debts due the banks, while their capital remains unemployed, it must produce a state of things in this country, which has never been paralleled by any of those contingencies in trade, or unusual expansions and contractions in banking, which, in former times, we have had occasion to deplore. With the present Legislature it remains to determine whether the permanent interests of the State are to be promoted by encountering such a crisis.

As the establishment of some permanent system of banking in this State devolves on the Legislature, and as that responsibility and labor must be encountered now, and as the subject is one of such pervading and deep moment, I have thought that my duty would not be discharged without adding my recommendation to the universal expectation of the

people, that it should receive your early and most anxious consideration. I am aware that the subject has been, and is considered one of great difficulty in theory, and hazardous in practice.

If we analyze all the objections to banks, as instruments for furnishing a currency, it will be found that they resolve themselves mainly into two, which are said in practice to be the natural results of the system.

In the first place, it is said that banks use the credit which their charters give them to extend the circulation of their paper; that, either from imprudent management, or from fraudulent motives, they at times refuse to pay gold or silver for their notes; that this depreciates the value of their paper, and to the extent, more or less, of such depreciation, occasions a loss to the holders of their bills. That instances have occurred in the past history of banks, to warrant this objection, no one can deny. But it is not true that this has been either an invariable or general consequence of our system of banking. The occurrences upon which this objection is founded, have been occasional, with chartered institutions, and not general. If we compare the losses sustained by the community, from the partial and total failures of incorporated banks to redeem their promises, with the failures and bankruptcies of individuals engaged in trade, to the same extent, we shall find the latter exceed those of the former class by an almost incalculable sum.

That banks under the management of men, like all

others of our race, not perfect, either in integrity or wisdom, have sometimes failed, is a fact not less rationally inferred, from the imperfection of all human institutions, than it is clearly shown, by historical facts. It could not be expected that any contrivance of man, would always and invariably, produce the good, and nothing else, which it was designed to effect. Our admirable system of government sometimes, through the willful delinquency of those to whose care it is intrusted, fails to bring us all the blessings it is calculated to bestow; yet, for these occasional failures, no American statesman thinks of abandoning our system of republican liberty, and going back to the royal or despotic government of former times, for a better state of things.

If the community were deprived of that credit which is now furnished by banks, any one conversant with the enterprising spirit of our people will at once see that individuals and voluntary associations would furnish that credit in other forms. It then becomes a question, which of these two is safest to the laboring and producing classes? If this be the true question, and our experience is not utterly deceptive, its solution at once results in favor of incorporated companies, guarded by every provision which the wisdom of the Legislature may suggest.

The second objection to banks is, that they expand their circulation at one time to an unnatural extent, and thus raise the price of labor and property; and by a sudden withdrawal of that circulation, either from necessity or choice, reduce the value of both—

thus, by reducing the value of the debtor's means of payment, in effect augmenting the amount of the creditor's demand against him. That this may be, and has been often done by banks, is certainly true; but that the same amount of credit in any other form, or a sudden influx of the precious metals, and its sudden efflux, would produce the same evils, is equally true. Instances of the latter kind are numerous, and too well known to justify me in recapitulating them here, in which banks had not the remotest influence; happening in countries, too, where a metallic was the only currency.

In those instances, however, in which banks have produced either of the evils complained of, it is worthy of consideration, whether the fault lay in the institutions themselves, or originated in an extraneous influence exerted upon them. In the notable instance of suspension of specie payments by the banks of England, in 1797, it is a well-known fact, that an order of the King and Council given to the bank, produced it, and that it was continued by acts of Parliament, from time to time, till the year 1823, when, by the judicious arrangements of the bank, it resumed payments without producing any derangement in the commerce of the country, or prejudice to the finances of the kingdom. The large issues, and consequent suspension of the banks in our country, which took place from 1812 to 1820, have been, with great justice, ascribed to the loans made by the Government of the banks, which were the only means of prosecuting the war; which, returning upon them

at the close of the war, with a foreign demand for specie, with the failure in business, at that time, of many of their debtors, rendered suspension inevitable, and in many instances were followed by an ultimate close of business. Among the causes that produced the recent suspensions in 1837, the influence of the Government, though by no means intended, is nevertheless distinctly perceivable. The whole revenues of the General Government were deposited with them, under an injunction from the Treasury department, to use them as banking capital. A confidence in their strength, arising from this connection with the Government, natural enough, though, as the event proved, delusive, contributed greatly to those large issues prior to 1837, of which so much complaint has been made. The contractions, too, which have followed, producing the most disastrous effects upon the country, although to a great extent a necessary consequence of previous over-issues, were, nevertheless, hastened and pushed too rapidly forward, by well-meant endeavors on the part of the Legislature to improve the currency. Surveying the past history of such institutions, and availing ourselves of a dispassionate view of our own errors, as well as theirs, we may hope that a faithful effort, at this time, to establish them on a firm and secure basis, will be attended by happy results. To this end I have to suggest a brief outline of those plans which appear to embrace a preventive of the two great evils I have noticed—insolvency of the institutions and consequent loss to the community—and unnatural expansions and con-

tractions of the currency. The first is a State Bank, with a convenient number of branches, at proper points in the State, with a capital of such amount as the business of the country would seem to require. Each branch to own its own stock as its own separate property; but to receive its paper from a common source, and be subject to the control of a parent board chosen by the stockholders of all the branches. In this plan, the whole capital employed in the State should be bound for the redemption of the notes of every branch; the parent board having power, under proper limitations, to control the business of all the branches. As the whole capital is to be pledged for the liabilities of each separate branch, a board representing the capital should have full power to protect it against the mismanagement of those for whose conduct in this scheme it is made ultimately responsible. In this plan, it is proposed to give the State a proportion of the stock, not exceeding one-fifth of the whole, which should be represented by a corresponding vote in the election of officers. The books of all the institution should be opened at all times to the inspection of the parent board, and subject also to the inspection at any and all times of the Legislature, in such mode as it should direct. The amount of circulation at any and all of the branches, to bear a proportion to their capital, to be fixed by the Legislature in the charter. It is especially desirable, that the charter should specify the cases, if any, on which a forfeiture of the charter should follow, and that the facts in such cases should be found by a

trial, in proper form, in the judicial courts of the State. In this scheme, also, it would seem to be proper to make the notes of each branch receivable in payment of debts at every branch in the State. To withdraw from the directory all inducement to extravagant and injudicious issues, and to put an end to the practice, said to prevail to some extent, of adopting improper methods to avoid the provision of law, which forbids the receipt of more than six per cent. per annum on loans, it should be provided, that the amount of dividends, when they exceed a given per cent. per annum, should be paid in the State Treasury.

The second plan, which has been much the subject of discussion, and which would seem to be a great improvement on the existing system, embraces the proposition of re-chartering so many of the present banks of the State, as shall be thought necessary, and such of them only, as on thorough examination shall be found to be in a sound and healthy condition.

In this scheme, it is proposed to compel all that shall receive charters to unite in the election of a Board of Control; each bank to be entitled to vote in proportion to its capital. This board, who may or may not hold stock in any bank, as the Legislature shall determine, to issue all paper, and to sign it by officers to be chosen by it; to receive reports from each bank at stated periods, embracing all its transactions, verified by the oaths of its officers. It is proposed, also, to vest the board with power to examine into the affairs of all the banks at stated

periods, to be fixed by law, and oftener, if they deem it necessary, and to close the business of any bank, when, in its judgment, such bank had conducted its business in such manner as to render it unsafe to permit its further continuance, and in all such cases the assets of such bank should be transferred to the board, for the purpose of liquidating all claims outstanding against it.

In this plan it is also proposed to make the capital of each bank, and all of them, who shall accept of charters, liable for the debts of every other bank, and to compel them to receive the notes of each other at all times in payment of debts, and to redeem each its proper proportion of the notes of any other that may suspend specie payment, or be closed by the Board of Control.

It would also be a salutary provision in this scheme, to limit the dividends to stockholders, and bring into the State Treasury all the profits arising from the operations of the banks above such limitation, and also to limit in the charter the amount of circulation as compared with the capital of the several banks.

I have, as it must be obvious, only thought it necessary to sketch an outline of some of the most prominent features of the scheme proposed. I have been impelled at this, as to some it may seem, unusual time, to bring them to the view of the Legislature, as the loud call of the people of the State summons it to immediate action, of some sort, upon this all-important subject.

In either of the plans which are here suggested, it is believed sufficient guards are provided against over-issues, leading to dangerous expansions of the currency, while a capital varying from six to ten millions of dollars, with all the property of the banks, are pledged as a perpetual security to the holders of the paper of every bank, embraced in the scheme. It is undoubtedly proper, that the Legislature should reserve the power to inspect the books and examine into the affairs of the banks, by such agents as they may from time to time select, and that the Board of Control should make an annual report to the Legislature, embracing a full statement of the business and condition of the banks under its supervision. It is important in this, as in every other charter, which creates a compact between the State and its citizens, that those acts which should work a forfeiture of the corporate powers granted, should be specifically named, and the mode of judicating such forfeiture clearly pointed out.

It is believed that the establishment of the banking capital of the State on a permanent and secure basis, might be the means of great occasional relief, in the future prosecution of our public works. The want of funds for this purpose, arising from the temporary derangement of the money market abroad, could be supplied by the banks of our own State, were they assured of the further continuance of their charters, on proper principles.

The losses which have been sustained by contractors and laborers, at times, occasioned by a failure

of the State to make punctual and frequent payments, might, in such cases, be avoided. They might be made useful to the State in this way, in enabling it to fulfill, as it always should, with rigid precision, its compacts with both its foreign and domestic creditors; an object which, it is hoped, will never be lost sight of by any who may be charged with the preservation of the character and honor of the State. The high reputation which our stocks have maintained in the markets of the world, has been earned by a scrupulous fidelity in complying with our contracts. The public improvements of the State, those enduring monuments of her enterprise, are the fruits of that character. That faith-keeping principle which shrinks with abhorrence from the idea of a broken promise, is alike the offspring of the pure morality of a Christian people, and that lofty public honor which is a prominent characteristic of our republican institutions. Whatever theoretical speculators upon the nature of legislative compacts may argue, he has been but a superficial observer of the people of Ohio, who does not know that their tax-payers would gladly incur taxes fifty fold more burdensome than the present, rather than endure, for a day, the deep disgrace which attaches to broken promises and violated public faith. Such an idea is the less tolerable in Western America, because of its almost boundless resources, and the constantly increasing energy and numbers of its people.

Our present position as a member of the Union,

compared with the past, can not fail to awaken in the bosoms of our citizens proud and gratifying reflections. Our State occupies a commanding position in the great valley west of the Alleghany mountains; a valley which, by the estimates of those well informed, contains a greater quantity of productive soil than is to be found in one body elsewhere on the surface of the globe. Though many parts of Ohio present to the eye of a Western American what seems to him a crowded population, yet it is certain that when compared with its capacity to sustain and feed its people, no portion of our territory has as yet been filled. If we glance our eyes over the statistics of other parts of the world, not more fruitful in whatever contributes to the sustenance of a dense population, and see to what extent the productive powers of the earth may be carried, where population has long pressed upon subsistence, we shall find, that any portion of Ohio, compared with such, is as yet little better than an untenanted and uncultivated waste. Looking forward to the time when the yet unoccupied agricultural and manufacturing powers of the State shall be fully developed, and taking our past progress as a guide to the future, we may, without egotism, indulge proud hopes of the ultimate destinies of the State. When we entered upon a State government in the year 1802, our population numbered sixty thousand. Now, after a lapse of thirty-eight years, we count a million and a half within our borders. Then we were a few scattered settlements, trembling in the

presence of the lately subdued Indian tribes that still hovered on our frontier, and were entitled to but one representative in the popular branch of Congress; now we rank third in numbers among the twenty-six States of the Union, and have a larger share of power in the Legislature of the Nation, than many of the oldest States, whose settlements began two hundred years before the white man built his first cabin within the limits of the State.

Through the valley lying between the Rocky Mountains on one side, and the Alleghany range on the other, following the course of the Mississippi, Ohio, and Alleghany rivers, we have an uninterrupted steamboat navigation of twenty-four hundred miles in length. This great channel of commerce on one side, and the lakes of the north on the other, intersected by canals, roads, and rivers, with a rich soil and healthful climate, while they account for our past history, furnish certain and most cheering augury of our future progress.

The direction which shall be given to that future, under our Constitution, mainly depends upon the legislative department. To subject to useful purposes all the physical resources of the State, and through these to insure the great ends of our existence, the moral and intellectual improvement of all the people, to the highest attainable point; these are the great objects of legislative regard. To the Legislature belongs the lofty glories that await a wise exertion of that power; and on it devolves, also, the

fearful responsibilities which its high position imposes.

Fully assured, that your deliberations will all aim to advance the interests, and secure the happiness of our common constituents, as it has become my duty, so shall it be my greatest pleasure, within my proper sphere, to extend a most hearty co-operation.

ON THE ARMY BILL—BOUNTY LANDS TO SOLDIERS.

[PENDING the discussion of the bill for the Increase of the Army, in the U. S. Senate, January 14th, 1847, Mr. CAMERON, of Pennsylvania, submitted an additional section, enacting—"That the Secretary of the Treasury be directed to issue a warrant for a half section of land to every officer, non-commissioned officer, musician, and private, who shall serve in the Army of the United States during the present war with Mexico, or shall volunteer and enlist to serve during the war, and shall be honorably discharged before its termination; the said land warrants to be located upon any land belonging to the United States that may be subject to private entry."

This section was, in substance, generally approved, but objected to by influential senators, as tending to retard the passage of the Army bill, or that it was, as they alleged, imperfect in its provisions.]

MR. CORWIN said he felt somewhat solicitous that this measure, in some form or other, and at some time or other, should be passed into a law, and he thought, if gentlemen would give it some attention, they would find it not so very imperfect; they would find that it steered clear entirely of all those formidable objections, in regard to the system of bounty lands, as developed in practice heretofore. The reason why those particular sections of country where those bounty lands were to be located had been overlooked, could not possibly apply to the lands now proposed to be granted by the Senator from Pennsylvania. The lands in those particular instances, and

in all the laws, he believed, which were passed for the enlistment of soldiers in the war of 1812, were to be located in a particular place; the result was, that no one who did not choose to make that place his residence, would purchase them. The prices sank, therefore, to about twenty dollars for each grant. This arose from the system of location adopted by the Government. But this was not the case here. These were to be located in any place where there were lands subject to private entry, and that would comprehend a district large enough to furnish a wide range for choice. The result of the passage of this amendment, then, would be simply this: that every soldier who should be honorably discharged, or having served during the war, or volunteered for twelve months, would, at the end of his term of service, be entitled to so much scrip as would purchase one hundred and sixty acres of land.* It was a proposition to grant to every soldier who actually served, and to the heirs of every soldier who died in service, an amount equal to $200, which should pass current in any land office for the purchase of land, instead of paying them in advance: it was paying him, at the end of his service, this amount. He himself would have no hesitation in voting for such a proposition. A soldier's service was the hardest that any patriot could be called upon to perform, and he thought that they were entitled to receive at the hands of the Gov-

*Mr. Cameron's proposition had been modified when these remarks were made.

ernment this much at least. He did not like procrastinating this subject until this bill should be passed. He saw no objection to its being incorporated in it. Would the passage of that bill alone bring the men into the field? The army was not half full; would that supply the deficiency? Why, if the thing were suggested in any other place, it would be called a palpable absurdity! If this bill were to pass, to what family of legislation would it belong? It was the very bill to which such a provision as that proposed by the Senator from Pennsylvania properly belonged.

[On the 19th January, MR. BENTON reported from the Senate Committee on Military Affairs, to which the bill had been recommitted, with instructions to bring in an amendment granting Bounty Lands, and which, having been lost by a tie vote after some discussion, MR. CORWIN offered the following substitute:

"That each non-commissioned officer or private enlisted in the regular army, or regularly mustered in any volunteer company, who has served, or may serve during the present war with Mexico, and who shall at the end of his term of service, receive an honorable discharge, shall be entitled to receive a certificate or warrant from the War Department for one hundred and sixty acres of land, which may be located by the warrantee, his heirs or legal representatives, at any land office in the United States, in one body, in conformity to the legal subdivisions of the public lands, in such districts as are then subject to private entry; *Provided*, That if the full term for which such person shall have volunteered shall not exceed one year, then the warrant to be for eighty acres. In case of death in service, or after his discharge, then the certificate to go—first, to the widow; second, to the children; third, his father; fourth, his mother; and fifth, his brothers and sisters."]

Mr. Corwin said he merely desired to say to the Senate what was the difference between his substitute and the report of the committee. The object which already had been urged from various quarters of the Senate, to grant lands to the soldiers, he should say nothing about, because he conceived that the mind of every Senator was made up on that subject. His principal objection to the bill which had been reported from the Military committee was, the restraints which it imposes on alienations of the land after it had been acquired by the soldier; and he took that exception to it, in view of the principle upon which he supposed the Senate was acting in granting these donations at all. It was intended, as had been well observed by the Senator from Massachusetts, [Mr. Webster], to operate as an inducement to those whom we now solicit to enter the military service of the country. Now, he thought a very little reflection on the character and pursuits of those who were likely to enter the volunteer or regular service, would satisfy any man that the grant of a quarter section of land to be received by them at the end of their term of service, and to be inalienable by them, and, consequently, useless to them for the term of seven years, was not an inducement equivalent to that offered by the amendment which he had proposed. He would not pretend to be very accurate in the construction he had been able to put on the words employed in order to impose these restraints on alienation, but he thought he was not mistaken in this, that when the certificate for a quarter section of land shall be

issued, it does not endow the holder of it with a right to dispose of it until the end of seven years, when a patent will be issued; and it prohibits him from making any use of it whatever, either by lien, collection of money by agreement for the occupation of the land, or any means whatever. In short, it was perfectly useless to him for seven years after his term of service, and also during that time, if he had not misunderstood the bill, the land was subject to taxation. No bond could be made, no agreement entered into by him for leasing it, or for the occupation of it in any way. It was simply saying to him that he should, within seven years from the expiration of his term of service, have a quarter section of land, and in the meantime he should pay taxes on it, without his being able to make any conceivable use of it, except he would go and reside upon it himself; for if he made any agreement, in any way, to remunerate him for the taxes which he might pay on that land, it could not be enforced.

Now, he presumed no one would pretend to deny that a very considerable proportion of those who were likely to enter the service, either as volunteers or as regular soldiers, would be found to belong to some of the trades or mechanical pursuits which were common to the men of this country. He thought he was not mistaken when he said one entire company raised in the State of Massachusetts, consisted altogether of mechanics—printers, tailors, shoemakers, and hatters. Now, what inducement did they propose to a man accustomed all his lifetime to work in mechan-

ical pursuits, when they offered him a certificate for a quarter section of land, on which he would have to pay taxes for seven years, which he must then make available to him, and not before? Did they expect a shoemaker to go into the Western forests with the chopping-ax, or any of the other trades to engage in pursuits so uncongenial with those to which they had been accustomed? But according to this bill no man could do it for him, for every agreement made for lien or transfer, was void. All these classes of society, then, would have no inducements at all; for, as the distinguished Senator from Missouri has said, it would make twenty thousand men, after making war on the Mexicans, march into the far West and make war on the forests. It was compulsory on them to do so, under the penalty of twenty thousand quarter sections of land.

Now, Mr. C.'s object was to make the land alienable, and thus hold out a proper and adequate inducement. He knew very well that the Senator from Missouri had this object perhaps much more at heart than he (Mr. C.) had. They all aimed at the same thing. His amendment proposed to give a quarter section of land, or a warrant which would be worth that, to all who served for twelve months, at the expiration of his term of service. It might be located anywhere. It was so much scrip which was receivable in payment for public lands. That quarter section, instead of being taken up in tracts of forty or fifty acres each, by his amendment was proposed to be one tract; and to those who had not served

twelve months, to meet the views of the Senator from Missouri, he gave eighty acres of land, or a warrant for that quantity, which would be land scrip equal to one hundred dollars, estimating the land at the present rate of $1.25 per acre. This, then, would operate exactly as so much money paid into the hands of the soldiers, or agreed to be paid.

Mr. C. appealed, as the Senator from Massachusetts had done, to their experience in the war of 1812. He thought it would be found, on a recurrence to the statute, that during that time three hundred and twenty acres were received at one time; but even three hundred and twenty acres of bounty land were found not to produce the desired result, and a bounty in money was found to be better, for that alone succeeded in filling up the ranks. If, then, their experience was worth anything, the proposition to give land to the extent proposed by the committee would be found to be insufficient. But by converting it into money, or the equivalent of money, and making it inalienable or untransferable until his term of service expires, the soldier would get what they proposed he should realize, and they would attain the great object desired by all.

[After further discussion, MR. BENTON inquired of Mr. C. What is the meaning of "legal representatives?"]

Mr. Corwin said it was a great while since he had been examined for admission to the bar, when such a question might have been proper. If the Senator from Missouri made the inquiry for his own informa-

tion, he (Mr. C.), would rather refer him to the library. But if he simply inquired what my opinion is of the meaning of the phrase "legal representatives," I will say to him that I mean those persons who represent the estate of a dead man after he is dead.

[Incidental remarks were here made by Senators, when Mr. Corwin continued.]

He felt, when he offered this amendment, the full force of the suggestions which had just been made by the Senator from Missouri; and he would add that it had never been subject to the action of the Senate, though he knew that its general principle had been before the committee, and must necessarily have been discussed by them.

Mr. C. wished now to modify his amendment by striking out those words which were objectionable to the Senator from Maryland [Mr. R. Johnson]. When he drew up this paper he thought this bounty of the Government ought to be confined to those who shall perform service in this Mexican war. He would, however, now modify his amendment, as had been suggested, leaving the bounty to apply to all who enter the service and perform duty during the Mexican war.

[January 20th, 1847—same subject.]

Mr. Corwin replied [to Senators] that the bill was intended to meet every case. The gentleman would see that all who were honorably discharged were provided for, if they had been in the service for three months.

He desired [after remarks by Senators Chalmers and Bagly] to explain a difficulty which had been suggested by the Senator from Indiana [Mr. Hannegan], and which had presented itself to his own mind. In granting bounties he admitted that some respect should be paid to the length of service, so that it should not appear to be a mere gratuity to the troops, but that the bounty should bear some relation to the service rendered. In the further prosecution of the war, it was not likely that the troops would be raised, whether regular soldiers or volunteers, but for longer periods of service—the former for five years, and the latter during the war. As the principal object of this bill was therefore prospective, and the design to recruit the army speedily, it did appear to him that there should not be a greater bounty given to those who enter during the war, now pending, than to those who went into it without any other motive than the laws furnished at the time they entered into the service. Now, he supposed that every one who was acquainted with the generosity of the Senator from Indiana [Mr. Hannegan], knew that if he could do it from his own private purse, he would be willing to bestow on the soldier any gratuity that might be necessary; but when they were disposing of the money in the public treasury, it appeared to him that they should be careful to give only in cases where it was necessary to make some compensation to those who were to receive it. And in making compensation, they must also make a discrimination between those who have

served but a limited time, and those whose service has been longer.

Again, there was some misunderstanding on another point. Now, he contended that his amendment did, in fact and in substance, give to a soldier receiving a land-warrant a money-warrant—dollars and cents—restricting it to this, that it was only receivable in payment of public land. It was land-scrip as much as was that which the Senator from Texas proposed.

[January 29, 1847, after a speech in opposition from Mr. BENTON, on the same subject, in which he contended that it would "expunge the land of revenue for half a dozen years;" that "all the John Smiths, John Joneses, Billy Williamses—all the Blacks, Browns, Greys, Reds, Whites—all the Longs and Shorts—all the Youngs and Olds—all that interminable nomenclature of common names—will become breeders of warrants"—Mr. CORWIN again spoke as follows:]

He felt as much regret as it was possible for the Senator from Missouri to feel, at the delay which has occurred under the present exigencies in the passage of this army bill—a delay occasioned by the various propositions to amend which had been presented by the Senator from Missouri himself, and other Senators; and he regretted, also, that it was to be still further delayed by what the honorable Senator from Missouri himself had very happily denominated "an obstinate and persevering opposition" to the amendment now under consideration, which, it would be recollected, had once passed by a majority which he believed had not been

accorded to any other feature of the bill. He had to regret, for one, that it was not in his power, not being consistent with his sense of duty, to accede to the request made by the honorable Senator from Missouri yesterday; and he was sure that honorable Senator was not inclined at all to deny to him, or to any other Senator upon that floor, the same right to form an opinion upon this important subject as he claimed for himself. As it was sincerely not his wish to procrastinate a vote which it was desirable should be speedily taken upon this bill, he desired merely to occupy a few moments in replying to what had been said by the honorable Senator from Missouri. And first, he would premise that although everything which had been presented to them this morning by the Senator from Missouri, and everything that might be legitimately urged in reply to the arguments of the Senator from Missouri, had already been very fully presented, and he doubted not very fully considered by every Senator upon that floor; yet, having been the means (by what might almost be termed an accident, it was true) of presenting this amendment, and having heard the terms in which it had been denounced, he supposed that it would be deemed proper for him to occupy a few moments with some observations before taking the final vote upon the question now to be determined. There had been some things revealed in this incidental discussion in reference to the war, and to the troops which had been so freely and fully spoken of, and in very laudatory terms, on all sides of the

chamber, which it was very difficult to reconcile with what was understood to be the opinion of gentlemen on all sides.

The arguments of the Senator from Missouri, as he understood them, rested upon two grounds exclusively. The Senator contended, in the first place, that the bounty land offered to the soldier was not necessary to procure the services of the soldier. This was as clearly an objection to any bill that could be presented on this subject as it was to this. The Senator contended, and presented it to them as an argument against the passage of this amendment, that it was now a matter of contention between the patriotic citizens of this country, who wished to serve in this extraordinary war, as to who among them should be accepted, without any reference whatever to this bounty. If this was so, and if there was no justice in voting the bounty, or necessity for voting it, then let the vote be taken upon the question, without any further controversy.

If the Senator from Missouri meant to say that men could be enlisted into the service for their monthly pay alone; if he meant to declare—and he knew no man whose opinions upon this subject were entitled to greater weight—if he meant to declare that it was squandering the public property to give them lands in return for the lives of their soldiers, in return for the blood to be shed in this foreign war, let the proposition be brought forward in a distinct and separate form, and he would be as ready to vote upon it as he was when attached to this bill. He

had understood, whether the project of giving bounty land originated with politicians or private individuals, that it was the intention of Congress—an intention which had been expressed in both Houses—that the soldier who served in this war should have bounty land as a part of his compensation for those services which, it was admitted on all hands, eminently entitled him to some compensation. If this was so, what became of the argument of the Senator from Missouri, that it was giving away eight millions of acres of the public lands, of the value of twelve millions of dollars, at the minimum price of those lands, for nothing?

If it be true (continued Mr. C.) that the gallant men who are willing to fight our battles in Mexico or elsewhere — for God knows where that roving army of yours will stop—if it be true that the whole population of this country capable of bearing arms are ready to precipitate themselves into this war in the enemy's country, and that without price, without reward, or the hope of reward, where is the necessity for increasing their monthly pay, as is proposed by the bill now on your table? Sir, shall we drive a Jew's bargain with our soldiers? Shall we give a definite value for their patriotism? Shall we count every groan? Shall we give value for every drop of blood? Shall we pay so much for a soldier's life? so much as a compensation to the women and children who have been made widows and orphans by the war? Shall we give them an estimated sum as value for their loss? But I do not suppose that

any argument such as this could very readily find a lodgment in the head or the heart of any Senator here; nor do I understand that the Senator from Missouri wishes anything of this sort. He wishes the Senate to pause, and lock the door against frauds, while granting a liberal compensation to the soldier. Now, let us look at this argument a little in detail. How will it be elaborated into a fact?

As he had understood the Senate to determine upon giving these bounty lands in some form or other, and as he understood they were for giving the eight millions in the form which he proposed in his amendment, to be actually settled and held by the soldier who performed the service, or by some representative of the soldier, he would ask, in a pecuniary point of view to the Government itself, if this land was to be considered revenue and property which the Government had a right to use, by giving it either in the form of money or in the form of bounties to soldiers entering the war, where was the difference, as far as the Government was concerned, whether that eight millions of acres was given in one form or in the other? The argument, as far as it rested upon the fact of giving away these lands, it seemed to him the Senator had not well considered. The main part of the Senator's opposition rested upon his desire to protect the soldier, in the first place, from the frauds which might be perpetrated upon him, and, in the next place, to stay the march of that moral pestilence, of those villainies which would be practiced upon the soldier if this bill should

pass. To this view of the question he was inclined to attach a considerable degree of importance. He could see no difference between allowing the soldier who discharged his duty in the public service to be paid in land, or in allowing him to be paid in money. If it were considered that the valor and courage of the soldier entitled him to a certain amount of compensation, it might be a proper subject to consider whether that amount should be greater or less, but he could see no difference at all between giving him land or money—none; none to the Government, unquestionably; none whatever in any scheme of finance which might be presented for the prosecution of this war. If, therefore, it were desirable that Congress should give to the soldier a certain amount of compensation, it could just as well be given in the form of monthly pay as in a grant of land. He could see no difference between granting land, from which the resources of the Government were partly to be derived, and creating a debt, which the Senator from Missouri said must be paid by the next generation, and voting for a loan of twenty-three millions, which must be redeemed at the time specified. Gentlemen did not seem to have their financial apprehensions aroused at all when it was proposed to borrow twenty-three millions of dollars, for which, like every other sum borrowed which they were unable to pay, they would have to give their note. There was no tremulous apprehension about borrowing money. But these were considerations which should have been thought of long before they entered upon this unprofit-

able war. Borrowing money was one of the curses attending upon all wars. Debt was one of the curses which war necessarily involved—debt to be entailed upon posterity, if the present generation were not able to discharge it. It could not have escaped the apprehensions of any gentleman who held a seat upon that floor, on the day when their army passed the Nueces, or on the day when it was said Congress sanctioned the passage of the army beyond the boundary of the United States—it could not have escaped their apprehension that not merely twelve millions of dollars, but hundreds of millions would have to be expended upon the war—a war to be carried on between this country and a sister republic, which they had undertaken to subjugate by their arms. The honorable Senator from Missouri, and every Senator, must be aware that this would be the consequence of their conduct. He had been somewhat surprised, he confessed, at the minute details given of the schemes of fraud which the Senator from Missouri had asserted would be practiced, and he doubted not such reports had reached his ears; but he was pained to hear such schemes of peculation and fraud connected with the names of certain officers of the Government. That companies of scoundrels would be formed all over the country, as the Senator said, to endeavor to despoil the soldier of his hard-earned bounty, he had no doubt. It was one of the inevitable consequences of all wars; it was one of the curses which belonged to a state of war. It had been the case, as the Senator from Missouri had

said, and he read a statement of Mr. Jefferson to prove, after the close of the Revolutionary war. It was a well-known fact, that the men who had passed through the fires of the struggle, were found endeavoring to defraud each other out of what they had received as a compensation for their services. It had ever been so, and would be so to all time, as long as human nature was such as to induce men to go to war at all. So long as men could find no better mode of settling national controversies than by going to war; of marching armies against each other in battle array, instead of following the dictates of humanity; instead of exercising the faculties with which God had endowed them, in avoiding the necessity of warfare, there would be scoundrels enough found to plunder and cheat one another. So long as national controversies were to be settled in the old barbarous mode, so long would such a disposition be found to exist. But he was surprised to hear from the Senator from Missouri that the very officers of the Government, whose appointments the Senate was called upon to sanction, and commissioned by the President to carry on the war, which was emphatically his war, he was surprised to hear that men in this position would be found so reckless, so lost to the dictates of honor and of conscience, as to practice frauds of this description. Could this be true? Could it be that those who were daily associated with the soldiers, witnessing their sufferings and hearing the groans of the dying, would be guilty of robbing the soldier of the bounty which his

country had bestowed? He asked the Senator, was this the condition in which this Republic was now placed? Were such the official instrumentalities to be sent abroad to execute their duties in the service of the Government upon the field of battle? His knowledge of human nature would hardly allow him to suppose it had been sunk to that depth of degradation and of infamy. Such a supposition contemplated the existence of a class of society more degraded than he was willing to suppose any man who had received his commission from the Government could be. They might, perhaps, find in the dens and hells of cities men who would come out from their hiding-places, when they knew that eight millions of acres of land had been put into the market for the benefit of those who served, but he did not think that men who accompanied the soldier at his last gasp would deliberately plan such schemes of fraud. He said he did not believe it was competent for any intelligent man to frame a law, or devise a plan which would not be subject to the objections which had been raised by the Senator from Missouri. Men ever would be subject to impositions, but he did not believe these men would be more subject to impositions than any other class of men.

Mr. Corwin said the Senator from Pennsylvania had told them that if they would pass this bill, there were five companies now ready to volunteer, and to take the field from that State, and that they consisted of some of the best men of that State. That was a pretty good certificate of character; and were such

men likely to give up all rights belonging to them to bodies of scoundrels? Did the Senator from Missouri mean to say that the young men who volunteer to serve their country are the sort of men toward whom the Government could exercise neither the functions of justice nor liberality without having the bounty of the Government abused? Were they men of such dissolute habits that they were incapable of taking care of the property they earned, and that the Government must therefore assume toward the soldiers of our army the relation which some of the States assumed under the laws toward confirmed drunkards, and appoint them guardians? What became of the training and discipline of which they had heard so much as belonging to the service of the country? What became of the moral teaching of the chaplains, for whose appointment they had heard so much? Was it true, in short, that twenty thousand regular soldiers were to serve during this war, and go through a moral training there, and that they would come out of it nothing but examples of vileness, ignorance, and profligacy? Was it true that the men who volunteer to fight this iniquitous war were the men described by the Senator from Missouri, not able to exercise the necessary functions of freemen, and men of full age? He would not undertake to put his opinion on this subject against the opinion of the Senator from Missouri—he would not lightly question the statement of the Senator from South Carolina [Mr. Butler], who said yesterday that none were fit to fight in this war but those who were

ready to sacrifice their own will to the absolute mastery of others; but if these things were true, it would become them to pause and consider whether it was not best to put an end to this horrible war. If it were true that in enlisting twenty thousand soldiers they made twenty thousand slaves out of twenty thousand freemen, he thought it would be poor compensation, both for the generation that now is and for that which is to come after us, in the pompous phrase of the day, at such a cost to vindicate the honor of the country and the glory of its flag. But he could not think that the representations of the Senator from Missouri were all true. He could not believe this nation would plunge into a war which was to be so pernicious in its consequences.

The Senator from Missouri proposed to protect the soldier from these frauds by making the bounty inalienable for seven years. This was presuming that those who, as the Senator from Missouri eloquently described it, escaped the embrace of the battle-storm, and avoided a grave upon the tops of the Cordilleras, were not capable of controlling the bounty which the Government bestowed upon them, and that Congress must, therefore, constitute itself their guardian. He was of opinion, that if they put the matter upon this footing, and said to the soldier, that at the end of the war he should emigrate to the far West and settle upon his land, or else be debarred from the enjoyment of his bounty for seven years, it would have the effect of deterring men from entering the army. It would hardly be necessary, he be-

lieved, to pass an act to prevent a Senator from making a contract respecting his traveling allowance and per diem, of placing any lien upon it for a certain length of time, lest the money might fall into the hands of speculators, who were hovering in clouds around the Capitol, darkening the air with their numbers. That would be a strange law; but he thought it would be quite as reasonable as the restriction proposed by the Senator to be placed upon these bounty lands.

After some further remarks, Mr. Corwin concluded by saying, that he thought it would not be very becoming in the Senate to hesitate to grant, out of 800,000,000 acres of the public lands, the small pittance of 8,000,000 to the soldiers as compensation for their services. They had already passed a bill giving 5,000,000 acres to those who choose to peacefully settle in Oregon. If a Southern gentleman, with his black servant, went to Oregon, that servant would be entitled, by his mere residence there, to avail himself of this bounty. While looking out across the broad Pacific, and contemplating the time when the descendants of Japhet should subjugate the descendants of Shem, here was a man from a state of servitude becoming a free man, and claiming his half section of land, which had been granted by the bounty of this Government. While their maw was capacious enough to swallow these five millions in reference to Oregon, they were gurgling and choking at eight millions to be granted as a reward for the valor and the patriotism of those who periled their lives in their country's service.

ON THE MEXICAN WAR.

[In the Senate of the United States, February 11th, 1847, the bill making further appropriations to bring the existing War with Mexico to a speedy and honorable conclusion, being under consideration, Mr. Corwin said:]

Mr. President:

I am not now about to perform the useless task of surveying the whole field of debate occupied in this discussion. It has been carefully reaped, and by vigilant and strong hands; and yet, Mr. President, there is a part of that field which promises to reward a careful gleaner with a valuable sheaf or two, which deserves to be bound up before the whole harvest is gathered. And still this so tempting prospect could not have allured me into this debate, had that motive not been strengthened by another, somewhat personal to myself, and still more interesting to those I represent. Anxious as I know all are to act, rather than debate, I am compelled, for the reasons I have assigned, to solicit the attention of the Senate. I do this chiefly that I may discharge the humble duty of giving to the Senate, and through this medium to my constituents, the motives and reasons which have impelled me to occupy a position always undesirable, but, in times like the present, painfully embarrassing.

I have been compelled, from convictions of duty which I could not disregard, to differ not merely

with those on the other side of the chamber, with whom I seldom agree, but also to separate, on one or two important questions, from a majority of my friends on this side—those who compose here that Whig party, of which, I suppose, I may yet call myself a member.

Diversity of opinion, on most subjects affecting human affairs, is to be expected. Unassisted mind, in its best estate, has not yet attained to uniformity, much less to absolute certainty, in matters belonging to the dominion of speculative reason. This is peculiarly and emphatically true where we endeavor to deduce from the present, results, the accomplishment of which reach far into the future, and will only clearly develop themselves in the progress of time. From the present state of the human mind, this is a law of intellect quite as strong as necessity; and yet, after every reasonable allowance for the radical difference in intellectual structure, culture, habits of thought, and the application of thought to things, the singularly opposite avowals made by the two Senators on the other side of the chamber (I mean the Senator from South Carolina, Mr. Calhoun, and the Senator from Michigan, Mr. Cass), must have struck all who heard them as a curious and mournful example of the truth of which I have spoken. The Senator from Michigan (Mr. Cass), in contemplating the present aspects and probable future course of our public affairs, declared that he saw nothing to alarm the fears or depress the hopes of the patriot. To his serene, and, as I fear, too apathetic mind, all is

calm; the sentinel might sleep securely on his watch-tower. The ship of State seems to him to expand her sails under a clear sky, and move on, with prosperous gales, upon a smooth sea. He admonishes all not to anticipate evil to come, but to fold their hands and close their eyes in quietude, ever mindful of the consolatory text, "sufficient unto the day is the evil thereof." But the Senator from South Carolina (Mr. Calhoun), summoning from the depths of his thoughtful and powerful mind all its energies, and looking abroad on the present condition of the republic, is pained with fearful apprehension, doubt, distrust, and dismay. To his vision, made strong by a long life of careful observation, made keen by a comprehensive view of past history, the sky seems overcast with impending storms, and the dark future is shrouded in impenetrable gloom. When two such minds thus differ, those less familiar with great subjects affecting the happiness of nations may well pause, before they rush to a conclusion on this, a subject which, in all its bearings, immediate and remote, affects *certainly* the present prosperity, and *probably* the liberty, of two republics, embracing together nearly thirty millions of people. Mr. President, it is a fearful responsibility we have assumed; engaged in flagrant, desolating war with a neighboring republic, to us thirty millions of God's creatures look up for that moderated wisdom which, if possible, may stay the march of misery, and restore to them, if it may be so, mutual feelings of good-will, with all the best blessings of peace.

I sincerely wish it were in my power to cherish those placid convictions of security which have settled upon the mind of the Senator from Michigan. So far from this, I have been, in common with the Senator from South Carolina, oppressed with melancholy forebodings of evils to come, and not unfrequently by a conviction that each step we take in this unjust war, may be the last in our career; that each chapter we write in Mexican blood, may close the volume of our history as a free people. Sir, I am the less inclined to listen to the siren song the Senator from Michigan sings to his own soul, because I have heard its notes before. I know the country is at this moment suffering from the fatal apathy into which it was lulled a few years ago. Every one must recall to his mind, with pleasing regret, the happy condition of the country in 1843, when that other question, the prelude to this, the annexation of Texas, was agitated here; we remember how it attracted the attention of the whole Union; we remember that the two great leaders of the two great parties, agreeing in scarcely any other opinion, were agreed in that. They both predicted that if Texas were annexed, war with Mexico would be the probable result. We were told then by others, as now by the Senator from Michigan, that all was well—all was calm; that Mexico would not fight, or if she would, she was too weak to wage the struggle with any effect upon us. The sentinel was then told to sleep upon his watch-tower; "sufficient unto the day is the evil thereof," was sung to us then in notes as

soft and sweet as now. Mr. President, "the day" has come, and with it has come war, the most direful curse wherewith it has pleased God to afflict a sinful world. Such have been the fatal effects of lulling into apathy the public mind, on a subject which agitated it, as well it might, to its profoundest depths.

I repeat, sir, the day has come, as was then predicted, and the evil predicted has come with it. We are here, sir, now, not as then, at peace with all the world; not now, as then, with laws that brought into your treasury everything adequate to its wants; not now, as then, free from debt, and the apprehension of debt and taxation, its necessary consequence. But we are here with a treasury that is beggared; that lifts up its imploring hands to the monopolists and capitalists of the country; that sends out its notes and "promises to pay" into every mart and every market in the world, begging for a pittance from every hand to help to swell the amount now necessary to extricate us from a war, inevitable, as it now seems it was, from that very act which was adopted under such flattering promises two years ago. Mr. President, it is no purpose of mine to arraign the conduct of the United States upon that occasion; it is no purpose of mine to treat this young and newly-adopted sister—the State of Texas—as an alien or stranger in this family of republics. I allude to this only to show how little reliance is to be placed upon those favorable anticipations in which gentlemen indulge with regard to consequences which may flow

from measures to which they are strongly wedded, either by feeling or party attachment.

Is there nothing else in our history of even the past year to justify the Senator from South Carolina in the pregnant declaration, that in the whole period of his public life, comprehending the most eventful in the history of the Republic, there had never been a time when so much danger was threatened to the interests, happiness, and liberties of the people. Sir, if any one could sit down, free from the excitements and biases which belong to public affairs—could such a one betake himself to those sequestered solitudes, where thoughtful men extract the philosophy of history from its facts, I am quite sure no song of "all 's well" would be heard from his retired cell. No, sir, looking at the events of the last twelve months, and forming his judgment of these by the suggestions which history teaches, and which she alone *can* teach, he would record another of those sad lessons which, though often taught, are, I fear, forever to be disregarded. He would speak of a Republic, boasting that its rights were secured, and the restricted powers of its functionaries bound up in the chains of a written Constitution; he would record on his page, also, that such a people, in the wantonness of strength or the fancied security of the moment, had torn that written Constitution to pieces, scattered its fragments to the winds, and surrendered themselves to the usurped authority of ONE MAN.

He would find written in that Constitution, *Congress* shall have power to declare war; he would find

everywhere, in that old charter, proofs clear and strong, that they who framed it intended that Congress, composed of two Houses, the representatives of the States, and the people, should (if any were pre-eminent) be the controlling power. He would find there a President designated; whose general and almost exclusive duty it is to *execute*, not to *make* the law. Turning from this to the history of the last ten months, he would find that the President alone, without the advice or consent of Congress, had, by a bold usurpation, made war on a neighboring republic; and what is quite as much to be deplored, that Congress, whose high powers were thus set at naught and defied, had, with ready and tame submission, yielded to the usurper the wealth and power of the nation to execute his will, as if to swell his iniquitous triumph over the very Constitution which he and they had alike sworn to support.

If any one should inquire for the cause of a war in this country, where should he resort for an answer? Surely to the journals of both Houses of Congress, since Congress alone has power to declare war; yet although we have been engaged in war for the last ten months, a war which has tasked all the fiscal resources of the country to carry it forward, you shall search the records and the archives of both Houses of Congress in vain for any detail of its causes, any resolve of Congress that war shall be waged. How is it, then, that a peaceful and peace-loving people, happy beyond the common lot of man, busy in every laudable pursuit of life, have been forced to turn

suddenly from these and plunge into the misery, the vice, and crime which ever have been, and ever shall be, the attendant scourges of war? The answer can only be, it was by the act and will of the President *alone*, and not by the act or will of Congress, the war-making department of the Government.

Mr. President, was it not due to ourselves, to the lofty character for peace as well as probity which we profess to be ours, and which till recently we might justly claim—was it not due to the civilization of the age, that we, the representatives of the States and the people, should have set forth the causes which might impel us to invoke the fatal arbitrament of war, before we madly rushed upon it? Even the Senator from South Carolina, attached as he has been by party ties to the President, and therefore, as we may suppose, acquainted with *his* motives for *his* war with Mexico, was compelled to say the other day in debate, that, up to that hour, the causes of this war were left to conjecture. The reason of this singular anomaly, sir, is to be found in the fact that the President, and not Congress, declared and commenced this war. How is this, Mr. President? How is it that we have so disappointed the intentions of our fathers, and the hopes of all the friends of written Constitutions? When the makers of that Constitution assigned to Congress alone, the most delicate and important power—to declare war—a power more intimately affecting the interests, immediate and remote, of the people, than any which a government is ever called on to exert—when they

withheld this great prerogative from the Executive and confided it to Congress alone, they but consulted in this, as in every other work of their hands, the gathered wisdom of all preceding times. Whether they looked to the stern despotisms of the ancient Asiatic world, or the military yoke of imperial Rome, or the feudal institutions of the middle ages, or the more modern monarchies of Europe, in each and all of these, where the power to wage war was held by one or by a few, it had been used to sacrifice, not to protect the many. The caprice or ambition of the tyrant, had always been the cause of bloody and wasting war, while the subject millions had been treated by their remorseless masters, only as "tools in the hands of him who knew how to use them." They therefore declared, that this fearful power should be confided to those who represent the people, and those who here in the Senate represent the sovereign States of the Republic. After securing this power to Congress, they thought it safe to give the command of the armies in peace and war to the President. We shall see hereafter, how by an abuse of his power as commander-in-chief, the President has drawn to himself that of declaring war, or commencing hostilities with a people with whom we were on terms of peace, which is substantially the same.

The men of former times took very good care that your standing army should be exceedingly small, and they who had the most lively apprehensions of investing in one man the power to command the army, always inculcated upon the minds of the

people, the necessity of keeping that army within limits, just as small as the necessity of the external relations of the country would possibly admit. It has happened, Mr. President, that when a little disturbance on your Indian frontier took place, Congress was invoked for an increase of your military force. Gentlemen came here who had seen partial service in the armies of the United States. They tell you that the militia of the country is not to be relied upon—that it is only in the regular army of the United States, that you are to find men competent to fight the battles of the country, and from time to time when that necessity has seemed to arise, forgetting this old doctrine, that a large standing army in time of peace was always dangerous to human liberty, we have increased that army from six thousand up to about sixteen thousand men. Mr. President, the other day, we gave ten regiments more; and for not giving it within the quick time demanded by our master, the commander-in-chief, some minion, I know not who, for I have not looked into this matter until this morning, feeding upon the fly-blown remnants that fall from the Executive shambles and lie putrefying there, has denounced us as Mexicans, and called the American Republic to take notice, that there was in the Senate, a body of men chargeable with incivism—Mexicans in heart—traitors to the United States.

I trust, Mr. President, that our master will be appeased by the facility with which, immediately after that rebuke of his minion, the Senate acted

upon the bill and gave him the army which he required. I trust that he will now forget that law which, as commander-in-chief of the army of the United States and President of this great North American Republic for the time being, he promulgated to us in the message, and those commands which he was pleased to deliver at the opening of this session to his faithful and humble servitors in both branches of the American Congress, admonishing us that we would be considered as giving "aid and comfort" to his enemy—not ours!—*his*—if one word should be said unfavorable to the motives which have brought the royal will to the conclusion that he would precipitate this Republic into a war with Mexico! I trust his Majesty, in consideration of our faithful services in augmenting the forces of the Republic agreeably to the commands which we have received from the throne, will be induced to relax a little when he comes to execute that law of treason upon one at least so humble as myself! I do remember, Mr. President—you will remember, Mr. President—your recollection of history will furnish you with a case which will, I think, operate in my favor in a question of that sort.

Some time in the history of the royal Tudors in England, when a poor Englishman, for differing from His Majesty, or Her Majesty, on some subject—it might be religious faith—was condemned to be hanged and quartered and emboweled, out of special grace, in a particular case where penitence was expressed, the hangman was admonished to give the

culprit time to choke before he began to chop up his limbs and take out his bowels!

Now, Mr. President, I have already stated that I do not intend to occupy the Senate with a discussion of those varieties of topics which naturally enforce themselves upon my attention in considering this subject. It must have occurred to everybody how utterly impotent the Congress of the United States *now* is for any purpose whatever, but that of yielding to the President every demand which he makes for men and money, unless they assume that *only* position which is left—that which, in the history of other countries, in times favorable to human liberty, has been so often resorted to as a check upon arbitrary power—withholding money, refusing to grant the services of men when demanded for purposes which are not deemed to be proper.

When I review the doctrines of the majority here, and consider their application to the existing war, I confess I am at a loss to determine whether the world is to consider our conduct as a ridiculous farce, or be lost in amazement at such absurdity in a people calling themselves free. The President, without asking the consent of Congress, involves us in war, and the majority here, without reference to the justice or necessity of the war, call upon us to grant men and money at the pleasure of the President, who they say, is charged with the duty of carrying on the war and responsible for its result. If we grant the means thus demanded, the President can carry forward this

war for any end, or from any motive, without limit of time or place.

With these doctrines for our guide, I will thank any Senator to furnish me with any means of escaping from the prosecution of this or any other war, for a hundred years to come, if it please the President who shall be, to continue it so long. Tell me, ye who contend that being in war, duty demands of Congress for its prosecution, all the money and every able-bodied man in America to carry it on if need be, who also contend that it is the right of the President, without the control of Congress, to march your embodied hosts to Monterey, to Yucatan, to Mexico, to Panama, to China, and that under penalty of death to the officer who disobeys him—tell me, I demand it of you, tell me, tell the American people, tell the nations of Christendom, what is the difference between your American democracy and the most odious, most hateful despotism, that a merciful God has ever allowed a nation to be afflicted with since government on earth began? You may call this free government, but it is such freedom, and no other, as of old was established at Babylon, at Susa, at Bactriana, or Persepolis. Its parallel is scarcely to be found when thus falsely understood, in any even the worst forms of civil polity in modern times. Sir, it is not so, such is not your Constitution, it is something else, something other and better than this.

I have looked at this subject with a painful endeavor to come to the conclusion, if possible, that it

was my duty, as a Senator of the United States, finding the country in war, to "fight it out," as we say in the common and popular phrase of the times, to a just and honorable peace! I could very easily concede that to be my duty if I found my country engaged in a just war—in a war necessary even to protect that fancied honor of which you talk so much. I then should have some apology in the judgment of my country, in the determination of my conscience, and in that appeal which you, and I, and all of us must soon be required to make before a tribunal, where this vaunted honor of the Republic, I fear me, will gain but little credit as a defense to any act we may perform here in the Senate of the United States.

But when I am asked to say whether I will prosecute a war, I can not answer that question, yea or nay, until I have determined whether that was a *necessary* war; and I can not determine whether it was necessary until I know how it was that my country was involved in it. And it is to that particular point, Mr. President—without reading documents, but referring to a few facts which I understand not to be denied on either side of this chamber—that I wish to direct the attention of the American Senate, and so far as may be, that of any of the noble and honest-hearted constituents whom I represent here. I know, Mr. President, the responsibility which I assume in undertaking to determine that the President of the United States has done a great wrong to the country, whose honor and whose interest he was required to protect. I know the denunciations which

await every one who shall dare to put himself in opposition to that high power—that idol god—which the people of this country have made to themselves and called a President.

But it is my very humility which makes me bold. I know, sir, that he who was told in former time how to govern a turbulent people, was advised to cut off the tallest heads. Mine will escape! Still, holding a seat here, Mr. President, and finding it written in the Constitution of my country that I had the power to grant to the President at his bidding, or not, as I pleased, men and money, I did conceive that it became my duty to ascertain whether the President's request was a reasonable one—whether the President wanted these men and this money for a proper and laudable purpose or not; and with these old-fashioned ideas—quite as unpopular, I fear, with some on this side of the Chamber as we find them to be on the other—I set myself to this painful investigation. I found not quite enough along with me to have saved the unrighteous city of old.

There were not five of us, but only three! And when these votes were called, and I was compelled to separate myself from almost all around me, I could have cried as did the man of Uz in his affliction in the elder time—"What time my friends wax warm they vanish, when it is hot they are consumed out of their places!"

I could not leave the position in which it had pleased the State of Ohio to place me, and I returned again and again to the original and primary and

important inquiry—how is it that my country is involved in this war? I looked to the President's account of it, and he tells me it was a war for the defense of the territory of the United States. I found it written in that message, Mr. President, that this war was not sought nor forced upon Mexico *by the people* of the United States. I shall make no question of history or the truth of history with my master, the commander-in-chief, upon that particular proposition. On the contrary, I could verify every word that he thus utters. Sir, I know that the *people* of the United States neither sought nor forced Mexico into this war, and yet I know that the President of the United States, with the command of your standing army, did seek that war, and that *he* forced war upon Mexico. I am not about to afflict the Senate with a detail of testimony on that point. I will simply state facts which few, I trust, will be found to deny.

One of the facts, Mr. President, is this: that in the year of grace, 1836, the battle of San Jacinto was fought. Does anybody deny that? No one here will doubt that fact. The result of that battle was that a certain district of country, calling itself Texas, declared itself a free and independent republic. I hope the Senate will pardon me for uttering a thought or two, which strikes me just now while I see the Senator from Texas, the leader of the men who achieved that victory, before me. I wish to say a word or two about the great glory, the historical renown, that is to come to the people of the

United States by the victories which we shall obtain over the arms and forces of the Republic of Mexico. I suppose, Mr. President, like all other boys, in my early youth, when I had an opportunity of looking at a book called history, those which spoke of bloody battles and desolating wars were most likely to attract my attention; and with very limited means of ascertaining that portion of the history of the human race, it nevertheless has impressed itself very vividly upon my mind that there have been great wars, and, as the old maxim has it, "many brave men before Agamemnon."

Sir, the world's annals show very many ferocious sieges, and battles, and onslaughts, before San Jacinto, Palo Alto, or Monterey. Generals of bloody renown have frightened the nations before the revolt of Texas, or our invasion of Mexico; and I suppose we Americans might properly claim some share in this martial reputation, since it was won by our own kindred, men clearly descended from Noah, the great "propositus" of our family, with whom we all claim a very endearing relationship. But I confess, I have been somewhat surprised of late, that men, read in the history of man, who knew that war has been his trade for six thousand years (prompted, I imagine, by those "noble instincts" spoken of by the Senator from Michigan), who knew that the first man born of woman was a hero of the first magnitude, that he met his shepherd brother in deadly conflict, and most heroically beat out his brains with a club—I say, sir, I am somewhat puzzled when I hear those

who knew all these things well, nevertheless shouting pæans of glory to the American name, for the few deeds of death which our noble little army in Mexico has as yet been able to achieve.

But, sir, let me recur again to the battle of San Jacinto. The Senator from Texas (Gen. Houston), now in his seat, commanded there. His army consisted of about seven hundred and fifty men. These were collected from all parts of the United States, and from the population of Texas, then numbering about ten thousand souls. With this army, undisciplined, badly armed, and indifferently furnished in all respects, the Senator from Texas conquered a Mexican army of about 3,500 men; took their commander, Santa Anna, then President of Mexico, prisoner, with the whole of his forces. Texas declared her independence, and alone maintained it against the power of Mexico for seven years, and since that time has been a State under the shield of our protection. It is against this same Mexico that twenty millions of Anglo-Saxon Americans send forth their armies. The great North American Republic buckles on her armor, and her mighty bosom heaves with the "*gaudia certaminis*," as she marches under her eagle banners to encounter a foe, who, ten years ago, was whipped by an army of seven hundred and fifty undisciplined militia, and bereft of a territory larger than the empire of France, which her conqueror held in her despite for seven years, and then quietly transferred her territory and power to you. Sir, if the joint armies of the United States

and Texas are to acquire renown by vanquishing Mexico, what honors are too great to be denied to Texas for her victory over this Mexico ten years ago? If, by vanquishing such a foe, you are to win renown in war, what laurels should you not wreathe around the brows of those who fought at San Jacinto, especially when history tells of the killed and wounded in the latter fight, she records that just three were killed in mortal combat, while two died of their wounds "when the battle was done!!!" Oh, Mr. President, does it indeed become this great Republic to cherish the heroic wish to measure arms with the long since conquered, distracted, anarchic, and miserable Mexico?

Mr. President, I trust we shall abandon the idea, the heathen, barbarian notion, that our true national glory is to be won, or retained, by military prowess or skill in the art of destroying life. And, while I can not but lament, for the permanent and lasting renown of my country, that she should command the service of her children in what I must consider wanton, unprovoked, *unnecessary*, and therefore unjust war, I can yield to the brave soldier, whose trade is war, and whose duty is obedience, the highest meed of praise for his courage, his enterprise, and perpetual endurance of the fatigues and horrors of war. I know the gallant men who are engaged in fighting your battles possess personal bravery equal to any troops, in any land, anywhere engaged in the business of war. I do not believe we are less capable in the art of destruction than others, or less willing,

on the slightest pretext, to unsheath the sword, and consider "revenge a virtue." I could wish, also, that your brave soldiers, while they bleed and die on the battle-field, might have (what in this war is impossible) the consolation to feel and know that their blood flowed in defense of a great right—that their lives were a meet sacrifice to an exalted principle.

But, sir, I return to our relations with Mexico. Texas, I have shown, having won her independence, and torn from Mexico about one-fourth part of her territory, comes to the United States, sinks her national character into the less elevated, but more secure, position of *one* of the United States of America. The revolt of Texas, her successful war with Mexico, and the consequent loss of a valuable province, all inured to the ultimate benefit of our Government and our country. While Mexico was weakened and humbled, we, in the same proportion, were strengthened and elevated. All this was done against the wish, the interest, and the earnest remonstrance of Mexico.

Every one can feel, if he will examine himself for a moment, what must have been the mingled emotions of pride, humiliation, and bitter indignation, which raged in the bosoms of the Mexican people, when they saw one of their fairest provinces torn from them by a revolution, moved by a foreign people; and that province, by our act and our consent, annexed to the already enormous expanse of our territory. It is idle, Mr. President, to suppose that the Mexican people would not feel as deeply for

the dismemberment and disgrace of their country as you would for the dismemberment of this Union of ours. Sir, there is not a race, nor tribe, nor people on the earth, who have an organized social or political existence, who have clung with more obstinate affection to every inch of soil they could call their own, than this very Spanish, this Mexican, this Indian race, in that country. So strong and deep is this sentiment in the heart of that half-savage, half-civilized race, that it has become not merely an opinion, a principle, but with them an unreasoning fanaticism. So radically deep and strong has this idea rooted itself into the Mexican mind, that I learn recently it has been made a part of the new fundamental law, that not an inch of Mexican soil shall ever be alienated to a foreign power; that her territory shall remain entire as long as her republic endures; that, if one of her limbs be forcibly severed from her, death shall ensue, unless that limb shall be re-united to the parent trunk. With such a people, not like you, as you fondly, and I fear, vainly boast yourselves, a highly-civilized, reasoning, and philosophical race, but a people who upon the fierce barbarism of the old age have ingrafted the holy sentiments of patriotism of a later birth; with just such a people, the pride of independence and the love of country combine to inflame and sublimate patriotic attachment into a feeling dearer than life—stronger than death.

What were the sentiments of such a people toward us when they learned that, at the battle of San Jacinto,

there were only seventy-five men of their own country, out of the seven hundred and fifty who conquered them on that day; and that every other man of that conquering army who fought that battle, and dismembered their republic of one-fourth part of its territory, had but recently gone there from this country, was fed by our people, and armed and equipped in the United States to do that very deed.

I do not say that Mexico had a right to make war upon us, because our citizens chose to seek their fortunes in the fields of Texas. I do not say she had a right to treat you as a belligerent power, because you permitted your citizens to march in battalions and regiments from your shores, for the avowed purpose of insurrectionary war in Texas—but I was not alone at the time in expressing my astonishment, that all this did not work an open rupture between the two Republics at that time. We all remember your proclamations of neutrality—we know that in defiance of these, your citizens armed themselves and engaged in the Texan revolt; and it is true that without such aid Texas would this day have been, as she then was, an integral portion of the Mexican republic. Sir, Mexicans knew this then, they knew it when, seven years after, you coolly took this province under your protection and made it your own. Do you wonder, therefore, after all this, that when Texas did thus forcibly pass away from them and come to us, that prejudice amounting to hate, resentment implacable as revenge toward us, should seize and

possess and madden the entire population of a country thus weakened, humbled, contemned?

Mr. President, how would the fire of indignation have burned in every bosom here if the government of Canada, with the connivance of the Crown of England, had permitted its people to arm themselves, or it might be, had allowed its regiments of trained mercenary troops stationed there to invade New York, and excite her to revolt, telling them that the Crown of England was the natural and paternal ruler of any people desiring to be free and happy—that your Government was weak, factious, oppressive—that man withered under its baleful influence—that your stars and stripes were only emblems of degradation, and symbols of faction—that England's lion, rampant on his field of gold, was the appropriate emblem of power, and symbol of national glory—and they succeeded in alienating the weak or wicked of your people from you!—should *we* not then have waged exterminating war upon England, in every quarter of the globe, where her people were to be found?

If, sir, I say, old mother England had sent her children forward to you with such a purpose and message as that, and had severed the State of New York from you, and then, for some difficulty about the boundary along between it and Pennsylvania and New Jersey, running up some little tide-creek here, and going off a little degree or two there, should have said, "We have a dispute about this boundary;

we have some forty thousand regular troops planted upon the boundary, and I wish you to understand that I am very strong—that I have not only thirty millions of people upon the soil of Great Britain that own my sovereign sway, but away upon the other side of the globe, right under you, there the lion of England commands the obedience of a hundred and twenty millions more. It becomes you, straggling Democrats, here in this new world, to be a little careful how you treat me. You are not Celts exactly —nor are you quite Anglo Saxons; but you are a degenerate, an alien, a sort of bastard race. I have taken your New York; I will have your Massachusetts." And all this is submitted to the American Senate, and we are gravely discussing what ought to be done. Would we be likely to ratify a treaty between New York and the Crown of England, permitting New York to become a part of the colonial possessions of England?

I should like to hear my colleague [Mr. Allen] speak to such a question as that. I should like to hear the voice of this Democracy that you talk about, called upon to utter its tones on a question like that. If he who last year was so pained lest an American citizen away—God knows where! in some latitude beyond the Rocky Mountains, should be obedient to British law—if he whose patriotic and republican apprehension was so painfully excited lest the right of *habeas corpus* and trial by Jury, which every Englishman carries with him in his pocket wherever he goes, should be made to bear upon an American

citizen—were called upon to speak upon such a proposition as that which I have supposed, I should certainly like to hear how he would treat it. Yet, the question being reversed, that is precisely the condition in which Mexico stood toward you after San Jacinto was fought, and on the day Texas was annexed.

Your people did go to Texas. I remember it well. They went to Texas to fight for their rights. They could not fight for them in their own country. Well, they fought for their rights. They conquered them! They "conquered a peace!" They were your citizens —not Mexicans. They were recent emigrants to that country. They went there for the very purpose of seizing on that country, and making it a free and independent republic, with the view, as some of them said, of bringing it into the American Confederacy in due time. Is this poor Celtic brother of yours in Mexico—is the Mexican man sunk so low that he can not hear what fills the mouth and ear of rumor all over this country? He knows that this was the settled purpose of some of your people. He knows that your avarice had fixed its eagle glance on these rich acres in Mexico, and that your proud power counted the number that could be brought against you, and that your avarice and your power together marched on to the subjugation of the third or fourth part of the republic of Mexico, and took it from her. We knew this, and knowing it, what should have been the feeling and sentiment in the mind of the President of the United States toward such a people

—a people at least in their own opinion so deeply injured by us as were these Mexicans.

The Republic of Texas comes under the Government of the United States, and it happens that the minister resident at your court—and it is a pretty respectable court, Mr. President—we have something of a king—not for life it is true, but a quadrennial sort of a monarch, who does very much as he pleases—the minister resident at that court of yours stated at the time that this revolted province of Texas was claimed by Mexico, and that if you received it as one of the sovereign States of this Union, right or wrong, it was impossible to reason with his people about it—they would consider it as an act of hostility. Did you consult the national feeling of Mexico then?

The President has now to deal with a people thus humbled, thus irritated. It was his duty to concede much to Mexico; everything but his country's honor or her rights. Was this done? Not at all! Mexico and her minister were alike spurned as weak and trivial things, whose complaints you would not hear or heed; and when she humbly implored you not to take this province—declared that it might disturb the peace subsisting between us—you were still inexorable. During this time, she was forcing loans from her citizens to pay the debt she owed yours, fulfilling her treaties with you by painful exactions from her own people. She begged of you to let Texas alone. If she were independent, let her enjoy her independence; if free, let her revel in her new-born liberty, in defiance of Mexico, as she alleged she would and

could. Your stern reply was, No! we will, at your expense, strengthen our own arm, by uniting to ourselves that which has been severed from you by our citizens; we will take Texas; we will throw the shield of our Constitution over her rights, and the sword of our power shall gleam like that at Eden, "turning every way," to guard her against further attack.

Her minister, his remonstrance failing, leaves you. He tells you that he can not remain, because you had created, by this act, hostile relations with his government. At last you are informed that Mexico will receive a commission to treat of this Texan boundary, if you will condescend to negotiate. Instead of sending a commissioner to treat of *that*, the only difficult question between the two Republics, you send a full minister, and require that he shall be received as such. If he could not be styled Minister Plenipotentiary, and so accredited, why then we must fight, and not negotiate for a boundary. The then Mexican president, the representative of some faction then only, was tottering to his fall. His minister besought Mr. Slidell not to press his reception then. He was told that the excited feelings of the Mexican people were such that he must delay for a time. To this petition what answer is returned? You shall receive me *now;* you shall receive me as minister, and not as commissioner; you shall receive me as though the most pacific relations existed between the two countries. *Thus*, and not otherwise, shall it be. Such was the haughty, imperious tone of Mr. Slidell, and he acted up only to the spirit of his instructions.

Let any one peruse the correspondence I have referred to, and he will see that I have truly represented its spirit, be its letter what it may. This is done under the instructions of a cabinet here, who represented themselves in our public documents, as sighing, panting for peace; as desiring, above all things, to treat these distracted, contemned Mexicans in such a way, that not the shadow of a complaint against us shall be seen. From this correspondence it is perfectly clear, that if Mr. Slidell had been sent in the less ostentatious character of *commissioner*, to treat of the Texan boundary, that treaties and not bullets would have adjusted the question. But this was not agreeable to the lofty conceptions of the President. He preferred a vigorous war to the tame process of peaceful adjustment. He now throws down the pen of the diplomat, and grasps the sword of the warrior. Your army, with brave old "Rough and Ready" at its head, is ordered to pass the Nueces, and advance to the east bank of the Rio Grande. There, sir, between these two rivers, lies that slip of territory, that chapparal thicket, interspersed with Mexican haciendas, out of which this wasteful, desolating war arose. Was this territory beyond the river Nueces in the State of Texas?

Now I have said, that I would not state any disputable fact. It is known to every man who has looked into this subject, that a revolutionary government can claim no jurisdiction anywhere when it has not defined and exercised its power with the sword. It was utterly indifferent to Mexico and the world

what legislative enactments Texas made. She extended her revolutionary government and her revolutionary dominion not one inch beyond the extent to which she had carried the power of Texas in opposition to the power of Mexico.

It is therefore a mere question of fact; and how will it be pretended that that country, lying between the Nueces and the Del Norte, to which your army was ordered, and of which it took possession, was subject to Texan law and not Mexican law? What did your general find there? What did he write home? Do you hear of any trial by jury on the east bank of the Rio Grande—of Anglo Saxons making cotton there with their negroes? No! You hear of Mexicans residing peacefully there, but fleeing from their cotton-fields at the approach of your army—no slaves, for it had been a decree of the Mexican government, years ago, that no slaves should exist there. If there were a Texan population on the east bank of the Rio Grande, why did not General Taylor hear something of those Texans hailing the advent of the American army, coming to protect them from the ravages of the Mexicans, and the more murderous onslaughts of the neighboring savages?

Do you hear anything of that? No! On the contrary, the population fled at the approach of your army. In God's name, I wish to know if it has come to this, that when an American army goes to protect American citizens on American territory, they flee from it, as if from the most barbarous enemy? Yet such is the ridiculous assumption of those who pre-

tend that, on the east bank of the Rio Grande, where your arms took possession, there were Texan population, Texan power, Texan laws, and American United States power and law! No, Mr. President, when I see that stated in an Executive document, written by the finger of a President of the United States, and when you read in those documents, with which your tables groan, the veracious account of that noble old General Taylor, of his reception in that country, and of those men—to use the language of one of his officers—fleeing before the invaders; when you compare these two documents together, is it not a biting sarcasm upon the *sincerity* of public men—a bitter satire upon the *gravity* of all public affairs?

Can it be, Mr. President, that the honest, generous, Christian people of the United States will give countenance to this egregious, palpable misrepresentation of fact—this bold falsification of history? Shall it be written down in your public annals, when the world looking on and you yourselves know, that Mexico, and not Texas, possessed this territory to which your armies marched? As Mexico had never been dispossessed by Texan power, neither Texas nor your Government had any more claim to it than you now have to California, that other possession of Mexico over which your all-grasping avarice has already extended its remorseless dominion.

Mr. President, there is absent to-day a Senator from the other side of the House whose presence would afford me, as it always does, but particularly on this occasion, a most singular gratification. I

allude to the Senator from Missouri who sits furthest from me (Mr. Benton). I remember, Mr. President, he arose in this body and performed a great act of justice to himself and to his country—of justice to mankind, for all men are interested in the truths of history—when he declared it to be his purpose, for the sake of the truth of history, to set right some gentlemen, on the other side of the House, in respect to the territory of Oregon, which then threatened to disturb the peace of this Republic with the kingdom of Great Britain. I wish it had pleased him to have performed the same good offices on this occasion.

I wish it had been so, if he could have found it consonant with his duty to his country, that now, while engaged with an enemy whom we have no reason to fear, as being ever able to check our progress or disturb our internal peace, for the sake of justice, as then he did for the sake of justice and the interest and peace of those two countries, England and America, he had come forward to settle the truth of history in respect to the territorial boundary of Texas, which our President said was the Rio Bravo—the "Rio del Norte," as it is sometimes called. I express this wish for no purpose of taunting the Senator from Missouri, or leading him to believe that I would draw his name into the discussion for any other than the most sacred purposes which can animate the human bosom—that of having truth established; for I really believe that that is true which the Senator from Michigan stated yesterday, that the worst said in the Senate is, that much might be said on both

sides! I can not view it in that way. Much may be said, much talk may be had on both sides on any question, but that this is a disputable matter about which a man could apply his mind for an hour and still be in doubt, is to me an inscrutable mystery.

I wish to invoke the authority of the Senator from Missouri. When about to receive Texas into the United States he offered a resolution to this effect:

"That the incorporation of the left bank of the Rio del Norte (Rio Grande) into the American Union, by virtue of a treaty with Texas, comprehending, as the said incorporation would do, a part of the Mexican departments of New Mexico, Chihuahua, Coahuila and Tamaulipas, WOULD BE AN ACT OF DIRECT AGGRESSION ON MEXICO, *for all the consequences of which* the United States would stand responsible."

I beg, Mr. President, to add to this another authority which I am sure will not be contradicted by any calling themselves Democrats. In the summer of 1844, Mr. Silas Wright, in an elaborate address delivered at Watertown, N. Y., said:

"There is another subject on which I feel bound to speak a word; I allude to the proposition to annex Texas to the territory of this republic. I felt it my duty to vote as Senator, and did vote against the ratification of the treaty for the annexation. I believed that the treaty, from the boundaries that must be implied from it, if Mexico would not treat with us, *embraced a country to which Texas had no claim—over which she had never asserted jurisdiction, and which she had no right to cede.* On this point I should give a brief explanation.

"The treaty ceded Texas by name *without an effort to describe a boundary.* The Congress of Texas had passed an act declaring,

by metes and bounds, what was Texas within their power and jurisdiction. It appeared to me then, if Mexico should tell us, 'We don't know you, we have no treaty to make with you,' and we were left to take possession by force, we must take the country as Texas had ceded it to us; *and in doing that, or forfeiting our own honor, we must do injustice to Mexico, and take a large portion of New Mexico, the people of which have never been under the jurisdiction of Texas; this, to me, was an insurmountable barrier—I could not place the country in that position.*"

How did your officers consider this question? While in camp opposite to Matamoras, being then on the left bank of the Rio Grande, between the latter river and the Nueces, a most respectable officer writes thus to his friend in New York:

"CAMP OPPOSITE MATAMORAS, *April* 19, 1846.

"Our situation here is an extraordinary one. *Right in the enemy's country, actually occupying their corn and cotton-fields, the people of the soil leaving their homes*, and we, with a small handful of men, marching, with colors flying and drums beating, right under the guns of one of their principal cities, displaying the star-spangled banner, as if in *defiance*, under their very nose, and they, with an army twice our size at least, sit quietly down, and make not the least resistance, not the first effort to drive the *invaders* off. There is no parallel to it."

Sir, did this officer consider himself in Texas? Were they our own Texan citizens, who, in the language of the letter, "*did not make the first effort to drive the invaders off?*" If it had been Texas *there*, would that State consider it *invasion*, or her people fly *from* your standard? "*The people of the soil leaving their homes!*" Who were those "*people*

of the soil?" Sir, they were Mexicans, never conquered by Texas, and never subject to her laws, and therefore never transferred by annexation to your dominion; and therefore, lastly, your army, by order of the President, without the consent or advice of Congress, made war on Mexico, by invading her territory, in April, 1846.

Mr. President, the Senator from Missouri was right. "The incorporation of the left bank of the Rio Grande into the American Union," was "an act of direct aggression on Mexico," as his resolution most truthfully alleged. We, or at least the President, has attempted to incorporate the left bank of the Rio del Norte, or the Rio Grande, into the Union, and the consequence, the legitimate consequence, war, has come upon us. The President, in his message, asserts the boundary of Texas to be the Rio Grande. The Senator from Missouri asserts the left bank of that river to be Mexican territory. Sir, it is not for me, who stand here an humble man, who pretend not to be one of those Pharisees who know all the law and obey it, but who, like the poor publican, would stand afar off and smite my breast, and say God be merciful to me, a poor Whig. When the anointed high priests in the Temple of Democracy differ on a point of fact, it is not for me to decide between them. Is it for me to say that the Senator from Missouri was ignorant and the President omniscient? Is it for me to say that the President was right and the Senator from Missouri wrong? If it were true that Texan laws had been, since 1836, as

the President's action seems to declare, how happened it that when General Taylor went to Point Isabel, the people set fire to their houses and fled the place? And how did it happen that there was a custom-house there, *there*, in Texas, as you now allege? A Mexican custom-house in Texas, where, ever since 1836, and for one whole year after the State of Texas became yours, a Mexican officer collected taxes of all who traded there, and paid these duties into the Mexican treasury! Sir, is it credible that this State of Texas allowed Mexican laws and Mexican power to exist within her borders for seven years after her independence? I should think a people so prompt to fight for their rights might have burned some powder for the expulsion of Mexican usurpers from Texan territory. Sir, the history of this country is full of anomalies and contradictions. What a patriotic, harmonious people! When Taylor comes to protect them, they fire their dwellings and fly! When you come in peace, bristling in arms for protection only—your eagle spreading its wings to shield from harm all American citizens—what then happens? Why, according to your own account, these Anglo Saxon republicans are so terrified at the sight of their country's flag, that they abandon their homes, and retreat before your army, as if some Nomad tribe had wandered thither to enslave their families and plunder their estates!

All this mass of undeniable fact, known even to the careless reader of the public prints, is so utterly at war with the studiously-contrived statements in

your cabinet documents, that I do not wonder at all that an amiable national pride, however misplaced here, has prevented hitherto a thorough and fearless investigation of their truth. Nor, sir, would I probe this feculent mass of misrepresentation, had I not been compelled to it in defense of votes which I was obliged to record here, within the last ten days. Sir, with my opinions as to facts connected with this subject, and my deductions, unavoidable, from them, I should have been unworthy the high-souled State I represent, had I voted men and money to prosecute further a war commenced, as it now appears, in aggression, and carried on by repetition only of the original wrong. Am I mistaken in this? If I am, I shall hold him the dearest friend I can own, in any relation of life, who shall show me my error. If I am wrong in this question of fact, show me how I err, and gladly will I retrace my steps; satisfy me that my country was in peaceful and rightful possession between the Nueces and Rio Grande when General Taylor's army was ordered there; show me that at Palo Alto and Resaca de las Palmas blood was shed on American soil in American possession, and then, for the *defense* of that possession, I will vote away the last dollar that power can wring from the people, and send every man able to bear a musket to the ranks of war. But until I shall be thus convinced, duty to myself, to truth, to conscience, to public justice, requires that I persist in every lawful opposition to this war.

While the American President can command the

army, thank Heaven I can command the purse. While the President, under the penalty of death, can command your officers to proceed, I can tell them to come back, or the President can supply them as he may. He shall have no funds from me in the prosecution of a war which I can not approve. That I conceive to be the duty of a Senator. I am not mistaken in that. If it be my duty to grant whatever the President demands, for what am I here? Have I no will upon the subject? Is it not placed at my discretion, understanding, judgment? Have an American Senate and House of Representatives nothing to do but obey the bidding of the President, as the army he commands is compelled to obey under penalty of death? No! The representatives of the sovereign people and sovereign States were never elected for such purposes as that.

Have Senators reflected on the great power which the command of armies in war confers upon any one, but especially on him who is at once the civil and military chief of the government? It is very well that we should look back to see how the friends of popular rights regarded this subject in former times. Prior to the revolution of 1688, in England, all grants of money by Parliament were general. Specific appropriations before that period were unknown. The king could, out of the general revenues, appropriate any or all of them to any war or other object, as best suited his own unrestrained wishes. Hence, in the last struggle with the first Charles, the Parliament insisted that he should yield up the command

of the army raised to quell the Irish rebellion to such person as Parliament should choose. The men of that day saw that with the unrestricted control of revenue, and the power to name the commander of the army, the king was master of the liberties of the people. Wherefore Charles, after he had yielded up almost every other kingly prerogative, was (in order to secure Parliament and the people against military rule) required to give up the command of the forces. It was his refusal to do this that brought his head to the block. "Give up the command of the army!" was the last imperative demand of the foes of arbitrary power then. What was the reply of that unhappy representative of the doomed race of the Stuarts? "Not for an hour, by God!" was the stern answer. Wentworth had always advised his royal master never to yield up the right to command the army; such, too, was the counsel of the queen, whose notions of kingly power were all fashioned after the most despotic models. This power over the army by our Constitution is conceded to *our* king. Give him money at his will, as we are told we must, and you have set up in this Republic just such a tyrant as him against whom the friends of English liberty were compelled to wage war. It was a hard necessity, but still it was demanded as the only security for any reasonable measure of public liberty. Such men as Holt and Somers had not yet taught the people of England the secret of controlling arbitrary power by specific appropriations of money, and withholding these, when the king proclaimed his

intention to use the grant for any purpose not approved by the Commons, the true representatives of popular rights in England.

When, in 1688, this doctrine of specific appropriations became a part of the British constitution, the King could safely be trusted with the control of the army. If war is made there by the Crown, and the Commons do not approve of it, refusal to grant supplies is the easy remedy—one, too, which renders it impossible for a king of England to carry forward any war which may be displeasing to the English people. Yes, sir, in England, since 1688, it has not been in the power of a British sovereign to do that, which in your boasted Republic, an American president, under the auspices of what you call Democracy, has done—make war, without consent of the legislative power. In England, supplies are at once refused, if Parliament does not approve the objects of the war. *Here*, we are told, we must not look to the objects of the war, being *in the war*—made by the President—we must help him to fight it out, should it even please him to carry it to the utter extermination of the Mexican race. Sir, I believe it must proceed to this shocking extreme, if you are, by war, to "conquer a peace." Here, then, is your condition. The President involves you in war without your consent. Being *in* such a war, it is demanded as a duty, that we grant men and money to carry it on. The President tells us he shall prosecute this war, till Mexico pays us, or agrees to pay us, all its expenses. I am not willing to scourge Mexico thus; and the

only means left me is to say to the commander-in-chief, "Call home your army, I will feed and clothe it no longer; you have whipped Mexico into three pitched battles, this is revenge enough; this is punishment enough."

The President has said he does not expect to hold Mexican territory by conquest. Why then conquer it? Why waste thousands of lives and millions of money fortifying towns and creating governments, if, at the end of the war, you retire from the graves of your soldiers and the desolated country of your foes, only to get money from Mexico for the expense of all your toil and sacrifice? Who ever heard, since Christianity was propagated among men, of a nation taxing its people, enlisting its young men, and marching off two thousand miles to fight a people merely to be paid for it in money! What is this but hunting a market for blood, selling the lives of your young men, marching them in regiments to be slaughtered and paid for, like oxen and brute beasts? Sir, this is, when stripped naked, that atrocious idea first promulgated in the President's message, and now advocated here, of fighting on till we can get our indemnity for the past as well as the present slaughter. We have chastised Mexico, and if it were worth while to do so, we have, I dare say, satisfied the world that we can fight. What now! Why, the mothers of America are asked to send another of their sons to blow out the brains of Mexicans because they refuse to pay the price of the first who fell there, fighting for glory! And what if the second fall too? The

Executive, the parental reply, is, "we shall have him paid for, we shall get full indemnity!" Sir, I have no patience with this flagitious notion of fighting for indemnity, and this under the equally absurd and hypocritical pretense of securing an honorable peace. An honorable peace! If you have accomplished the objects of the war (if indeed you had an object which you dare to avow), cease to fight, and you will have peace. Conquer your insane love of false glory, and you will "conquer a peace." Sir, if your commander-in-chief will not do this, I will endeavor to compel him, and as I find no other means, I shall refuse supplies—without the money of the people, he can not go further. He asks me for that money; I wish him to bring your armies home, to cease shedding blood *for* money; if he refuses, I will refuse supplies, and then I know he *must*, he will cease his further sale of the lives of my countrymen. May we not, *ought* we not now to do this? I can hear no reason why we should not, except this: it is said that we are *in* war, wrongfully it may be, but, being in, the President is responsible, and we must give *him* the means *he* requires! He responsible! Sir, we, we are responsible, if having the power to stay this plague, we refuse to do so. When it shall be so—when the American Senate and the American House of Representatives can stoop from their high position, and yield a dumb compliance with the behests of a president who is, for the time being, commander of your army; when they will open the treasury with one hand, and the veins of all the soldiers in the land

with the other, *merely because* the President commands, then, sir, it matters little how soon some Cromwell shall come into this Hall and say, "the Lord hath no further need of you here." When we fail to do the work, "whereunto we were sent," we shall be, we ought to be, removed, and give place to others who will. The fate of the barren fig-tree will be ours — Christ cursed it and it withered.

Mr. President, I dismiss this branch of the subject, and beg the indulgence of the Senate to some reflections on the particular bill now under consideration. I voted for a bill somewhat like the present at the last session—our army was then in the neighborhood of our line. I then hoped that the President did sincerely desire a peace. Our army had not then penetrated far into Mexico, and I did hope that with the two millions then proposed, we might get peace, and avoid the slaughter, the shame, the crime, of an aggressive, unprovoked war. But now you have overrun half of Mexico, you have exasperated and irritated her people, you claim indemnity for all expenses incurred in doing this mischief, and boldly ask her to give up New Mexico and California; and, as a bribe to her patriotism, seizing on her property, you offer three millions to pay the soldiers she has called out to repel your invasion, on condition that she will give up to you at least one-third of her whole territory. This is the modest—I should say, the monstrous—proposition now before us, as explained by the chairman of the committee on Foreign Relations

[Mr. Sevier], who reported the bill. I can not now give my assent to this.

But, sir, I do not believe you will succeed. I am not informed of your prospects of success with this measure of peace. The chairman of the committee of Foreign Relations tells us that he has every reason to believe that peace can be obtained if we grant this appropriation. What reason have you, Mr. Chairman, for that opinion? "Facts which I can not disclose to you—correspondence which it would be improper to name here—facts which I know, but which you are not permitted to know, have satisfied the committee, that peace may be purchased, if you will but grant these three millions of dollars." Now, Mr. President, I wish to know if I am required to act upon such opinions of the chairman of the committee on Foreign Relations, formed upon facts which he refuses to disclose to me? No! I must know the facts before I can form my judgment. But I am to take it for granted that there must be some prospect of an end to this dreadful war—for it is a dreadful war, being, as I believe in my conscience it is, an unjust war. Is it possible that for three millions you can purchase a peace with Mexico? How? By the purchase of California? Mr. President, I know not what facts the chairman of the committee on Foreign Affairs may have had access to. I know not what secret agents have been whispering into the ears of the authorities of Mexico; but of one thing I am certain, that by a cession of California and New Mexico you never can purchase a peace with her.

You may wrest provinces from Mexico by war—you may hold them by the right of the strongest—you may rob her, but a treaty of peace to that effect with the people of Mexico, legitimately and freely made, you never will have! I thank God that it is so, as well for the sake of the Mexican people as ourselves, for unlike the Senator from Alabama [Mr. Bagby], I do not value the life of a citizen of the United States above the lives of a hundred thousand Mexican women and children—a rather cold sort of philanthropy, in my judgment. For the sake of Mexico then, as well as our own country, I rejoice that it is an impossibility, that you can obtain by treaty from her those territories, under the existing state of things.

I am somewhat at a loss to know, on what plan of operations gentlemen having charge of this war intend to proceed. We hear much said of the terror of your arms. The affrighted Mexican, it is said, when you shall have drenched his country in blood, will sue for peace, and thus you will indeed "conquer peace." This is the heroic and savage tone in which we have heretofore been lectured by our friends on the other side of the chamber, especially by the Senator from Michigan [General Cass]. But suddenly the chairman of the committee on Foreign Relations comes to us with a smooth phrase of diplomacy, made potent by the gentle suasion of gold. The chairman of the committee on Military Affairs calls for thirty millions of money and ten thousand regular troops; these, we are assured, shall "conquer peace,"

if the obstinate Celt refuses to treat till we shall whip him in another field of blood. What a delightful scene in the nineteenth century of the Christian era? What an interesting sight to see these two representatives of war and peace moving in grand procession through the halls of the Montezumas! The Senator from Michigan [General Cass], red with the blood of recent slaughter, the gory spear of Achilles in his hand, and the hoarse clarion of war in his mouth, blowing a blast "so loud and deep" that the sleeping echoes of the lofty Cordilleras start from their caverns and return the sound, till every ear from Panama to Santa Fe is deafened with the roar. By his side, with "modest mien and downcast look," comes the Senator from Arkansas [Mr. Sevier], covered from head to foot with a gorgeous robe, glittering and embossed with three millions of shining gold, putting to shame, "the wealth of Ormus or of Ind." The olive of Minerva graces his brow; in his right hand is the delicate rebeck, from which are breathed, in Lydian measure, notes "that tell of naught but love and peace." I fear very much, you will scarcely be able to explain to the simple, savage mind of the half-civilized Mexicans, the puzzling dualism of this scene, at once gorgeous and grotesque. Sir, I scarcely understand the meaning of all this myself. If we are to vindicate our rights by battles—in bloody fields of war—let us do it. If that is not the plan, why then let us call back our armies into our own territory, and propose a treaty with Mexico, based upon the proposition that money is better for

her and land is better for us. Thus we can treat Mexico like an equal and do honor to ourselves. But what is it you ask? You have taken from Mexico one-fourth of her territory, and you now propose to run a line comprehending about another third, and for what? I ask, Mr. President, for what? What has Mexico got from you, for parting with two-thirds of her domain? She has given you ample redress for every injury of which you have complained. She has submitted to the award of your commissioners, and up to the time of the rupture with Texas, faithfully paid it. And for all that she has lost (not through or by you, but which loss has been your gain), what requital do we, her strong, rich, robust neighbor, make? Do we send our missionaries there "to point the way to heaven?" Or do we send the schoolmasters to pour daylight into her dark places, to aid her infant strength to conquer freedom, and reap the fruit of the independence herself alone had won? No, no, none of this do we. But we send regiments, storm towns, and our colonels prate of liberty in the midst of the solitudes their ravages have made. They proclaim the empty forms of social compact to a people bleeding and maimed with wounds received in defending their hearthstones against the invasion of these very men who shoot them down, and then exhort them to be free. Your chaplains of the navy throw aside the New Testament and seize a bill of rights. The Rev. Don Walter Colton, I see, abandons the Sermon on the Mount, and betakes himself to Blackstone and Kent,

and is elected a Justice of the Peace! He takes military possession of some town in California, and instead of teaching the plan of the atonement and the way of salvation to the poor, ignorant Celt, he presents Colt's pistol to his ear, and calls on him to take "trial by jury and *habeas corpus*," or nine bullets in his head. Oh! Mr. President, are you not the lights of the earth, if not its salt? You, you are indeed opening the eyes of the blind in Mexico, with a most emphatic and exoteric power. Sir, if all this were not a sad, mournful truth, it would be the very "ne plus ultra of the ridiculous.

But sir let us see what, as the chairman of the committee of Foreign Relations explains it, we are to get by the combined processes of conquest and treaty.

What is the territory, Mr. President, which you propose to wrest from Mexico? It is consecrated to the heart of the Mexican by many a well-fought battle, with his old Castilian master. His Bunker Hills, and Saratogas, and Yorktowns are there. The Mexican can say, "There I bled for liberty! and shall I surrender that consecrated home of my affections to the Anglo Saxon invaders? What do they want with it? They have Texas already. They have possessed themselves of the territory between the Nueces and the Rio Grande. What else do they want? To what shall I point my children as memorials of that independence which I bequeath to them, when those battle-fields shall have passed from my possession?"

Sir, had one come and demanded Bunker Hill of the people of Massachusetts, had England's lion ever showed himself there, is there a man over thirteen, and under ninety who would not have been ready to meet him—is there a river on this continent that would not have run red with blood—is there a field but would have been piled high with the unburied bones of slaughtered Americans before these consecrated battle-fields of liberty should have been wrested from us? But this same American goes into a sister republic, and says to poor, weak Mexico, "Give up your territory—you are unworthy to possess it—I have got one-half already—all I ask of you is to give up the other!" England might as well, in the circumstances I have described, have come and demanded of us, "Give up the Atlantic slope—give up this trifling territory from the Alleghany mountains to the sea; it is only from Maine to St. Mary's —only about one-third of your Republic, and the least interesting portion of it." What would be the response? They would say, we must give this up to John Bull. Why? "He wants room." The Senator from Michigan says he must have this. Why, my worthy Christian brother, on what principle of justice? "I want room!"

Sir, look at this pretense of want of room. With twenty millions of people, you have about one thousand millions of acres of land, inviting settlement by every conceivable argument—bringing them down to a quarter of a dollar an acre, and allowing every man to squat where he pleases. But the Senator

from Michigan says we will be two hundred millions in a few years, and we want room. If I were a Mexican I would tell you, "Have you not room in your own country to bury your dead men? If you come into mine we will greet you with bloody hands, and welcome you to hospitable graves."

Why, says the chairman of this committee of Foreign Relations, it is the most reasonable thing in the world! We ought to have the Bay of San Francisco. Why? Because it is the best harbor on the Pacific! It has been my fortune, Mr. President, to have practiced a good deal in criminal courts in the course of my life, but I never yet heard a thief, arraigned for stealing a horse, plead that it was the best horse that he could find in the country! We want California. What for? Why, says the Senator from Michigan, we will have it; and the Senator from South Carolina, with a very mistaken view, I think, of policy, says, you can't keep our people from going there. I don't desire to prevent them. Let them go and seek their happiness in whatever country or clime it pleases them.

All I ask of them is, not to require this Government to protect them with that banner consecrated to war waged for principles—eternal, enduring truth. Sir, it is not meet that our old flag should throw its protecting folds over expeditions for lucre or for land. But you still say, you want room for your people. This has been the plea of every robber-chief from Nimrod to the present hour. I dare say, when Tamerlane descended from his throne built of

seventy thousand human skulls, and marched his ferocious battalions to further slaughter, I dare say he said, "I want room." Bajazet was another gentleman of kindred tastes and wants with us Anglo Saxons—he "wanted room." Alexander, too, the mighty "Macedonian madman," when he wandered with his Greeks to the plains of India, and fought a bloody battle on the very ground where recently England and the Sikhs engaged in strife for "room," was no doubt in quest of some California there. Many a Monterey had he to storm to get "room." Sir, he made quite as much of that sort of history as you ever will. Mr. President, do you remember the last chapter in that history? It is soon read. Oh! I wish we could but understand its moral. Ammon's son (so was Alexander named), after all his victories, died drunk in Babylon! The vast empire he conquered to "get room" became the prey of the generals he had trained; it was disparted, torn to pieces, and so ended. Sir, there is a very significant appendix; it is this: the descendants of the Greeks—of Alexander's Greeks—are now governed by a descendant of Attila! Mr. President, while we are fighting for room, let us ponder deeply this appendix. I was somewhat amazed, the other day, to hear the Senator from Michigan declare that Europe had quite forgotten us till these battles waked them up. I suppose the Senator feels grateful to the President for "waking up" Europe. Does the President, who is, I hope, read in civic as well as military lore, remember the saying of one who had pondered upon

history long—long, too, upon man, his nature and true destiny? Montesquieu did not think highly of this way of "waking up." "Happy," says he, "is that nation whose annals are tiresome."

The Senator from Michigan has a different view of this. He thinks that a nation is not distinguished until it is distinguished in war; he fears that the slumbering faculties of Europe have not been able to ascertain that there are twenty millions of Anglo Saxons here, making railroads and canals, and speeding all the arts of peace to the utmost accomplishment of the most refined civilization. They do not know it! And what is the wonderful expedient which this democratic method of making history would adopt in order to make us known? Storming cities, desolating peaceful, happy homes, shooting men — ay, sir, such is war — and shooting women, too!

Sir, I have read, in some account of your battle of Monterey, of a lovely Mexican girl, who, with the benevolence of an angel in her bosom, and the robust courage of a hero in her heart, was busily engaged, during the bloody conflict, amid the crash of falling houses, the groans of the dying, and the wild shriek of battle, in carrying water to slake the burning thirst of the wounded of either host. While bending over a wounded American soldier, a cannon ball struck her and blew her to atoms! Sir, I do not charge my brave, generous-hearted countrymen who fought that fight with this. No, no! We who send them — we who know that scenes like this,

which might send tears of sorrow "down Pluto's iron cheek," are the invariable, inevitable attendants on war—*we* are accountable for this. And this—this is the way we are to be made known to Europe. This—*this* is to be the undying renown of free, republican America! "She has stormed a city—killed many of its inhabitants of both sexes—she has room!" *So* it will read. Sir, if this were our only history, then may God of his mercy grant that its volume may speedily come to a close.

Why is it, sir, that we of the United States, a people of yesterday compared with the older nations of the world, should be waging war for territory—for "room?" Look at your country, extending from the Alleghany Mountains to the Pacific Ocean, capable itself of sustaining, in comfort, a larger population than will be in the whole Union for one hundred years to come. Over this vast expanse of territory, your population is now so sparse, that I believe we provided, at the last session, a regiment of mounted men to guard the mail, from the frontier of Missouri to the mouth of the Columbia; and yet you persist in the ridiculous assertion, "I want room." One would imagine, from the frequent reiteration of the complaint, that you had a bursting, teeming population, whose energy was paralyzed, whose enterprise was crushed, for want of space. Why should we be so weak or wicked as to offer this idle apology for ravaging a neighboring republic? It will impose on no one at home or abroad.

Do we not know, Mr. President, that it is a law,

never to be repealed, that falsehood shall be short-lived? Was it not ordained of old that truth only shall abide forever? Whatever we may say to-day, or whatever we may write in our books, the stern tribunal of history will review it all, detect falsehood, and bring us to judgment before that posterity which shall bless or curse us, as we may act *now*, wisely or otherwise. We may hide in the grave (which awaits us all), in vain; we may hope there, like the foolish bird that hides its head in the sand, in the vain belief that its body is not seen, yet even there, this preposterous excuse of want of "room," shall be laid bare, and the quick-coming future will decide, that it was a hypocritical pretense, under which we sought to conceal the avarice, which prompted us to covet and to seize by force, *that* which was not ours.

Mr. President, this uneasy desire to augment our territory, has depraved the moral sense, and blunted the otherwise keen sagacity of our people. What has been the fate of all nations who have acted upon the idea, that they must advance! Our young orators cherish this notion with a fervid, but fatally mistaken zeal. They call it by the mysterious name of "destiny." "Our destiny," they say, is "onward," and hence they argue, with ready sophistry, the propriety of seizing upon any territory and any people, that may lie in the way of our "fated" advance. Recently these progressives have grown classical; some assiduous student of antiquities has helped them to a patron saint. They have wandered back

into the desolated Pantheon, and there, among the Polytheistic relics of that "pale mother of dead empires," they have found a god whom these Romans, centuries gone by, baptized "Terminus."

Sir, I have heard much and read somewhat of this gentleman Terminus. Alexander, of whom I have spoken, was a devotee of this divinity. We have seen the end of him and his empire. It was said to be an attribute of this god that he must *always* advance, and never recede. So both republican and imperial Rome believed. It was, as they said, their destiny. And for a while it did seem to be even so. Roman Terminus did advance. Under the eagles of Rome he was carried from his home on the Tiber, to the furthest East on the one hand, and to the far West, among the then barbarous tribes of western Europe, on the other. But at length the time came, when retributive justice had become "a destiny." The despised Gaul calls out to the contemned Goth, and Attila, with his Huns, answers back the battle shout to both. The "blue-eyed nations of the North," in succession or united, pour forth their countless hosts of warriors upon Rome and Rome's always-advancing god Terminus. And now the battle-ax of the barbarian strikes down the conquering eagle of Rome. Terminus at last recedes, slowly at first, but finally he is driven to Rome, and from Rome to Byzantium. Whoever would know the further fate of this Roman deity, so recently taken under the patronage of American Democracy, may find ample gratification of his curiosity, in the luminous pages of Gibbon's

"Decline and Fall." Such will find, that Rome thought as you now think, that it was her destiny to conquer provinces and nations, and no doubt she sometimes said as you say, "I will conquer a peace." and where now is she, the Mistress of the World? The spider weaves his web in her palaces, the owl sings his watch-song in her towers. Teutonic power now lords it over the servile remnant, the miserable memento of old and once omnipotent Rome. Sad, very sad, are the lessons which time has written for us. Through and in them all, I see nothing but the inflexible execution of that old law, which ordains as eternal, that cardinal rule, "Thou shalt not covet thy neighbor's goods, nor *anything* which is his." Since I have lately heard so much about the dismemberment of Mexico, I have looked back to see how, in the course of events, which some call "Providence," it has fared with other nations, who engaged in this work of dismemberment. I see that in the latter half of the eighteenth century, three powerful nations, Russia, Austria and Prussia, united in the dismemberment of Poland. They said, too, as you say, "it is our destiny." They "wanted room." Doubtless each of these thought, with his share of Poland, his power was too strong ever to fear invasion, or even insult. One had his California, another his New Mexico, and the third his Vera Cruz. Did they remain untouched and incapable of harm? Alas! No—far, very far, from it. Retributive justice must fulfill its destiny, too. A very few years pass off, and we hear of a new man, a Corsican lieutenant, the

self-named "armed soldier of Democracy," Napoleon. He ravages Austria, covers her land with blood, drives the Northern Cæsar from his capital, and sleeps in his palace. Austria may now remember how her power trampled upon Poland. Did she not pay dear, very dear, for her California?

But has Prussia no atonement to make? You see this same Napoleon, the blind instrument of Providence, at work there. The thunders of his cannon at Jena proclaim the work of retribution for Poland's wrongs; and the successors of the Great Frederick, the drill-sergeant of Europe, are seen flying across the sandy plain that surrounds their capitol, right glad if they may escape captivity or death. But how fares it with the Autocrat of Russia? Is he secure in his share of the spoils of Poland? No. Suddenly we see, sir, six hundred thousand armed men marching to Moscow. Does his Vera Cruz protect him now? Far from it. Blood, slaughter, desolation spread abroad over the land, and finally the conflagration of the old commercial metropolis of Russia, closes the retribution, she must pay for her share in the dismemberment of her weak and impotent neighbor. Mr. President, a mind more prone to look for the judgments of Heaven in the doings of men than mine, can not fail in this to see the providence of God. When Moscow burned, it seemed as if the earth was lighted up, that the nations might behold the scene. As that mighty sea of fire gathered and heaved and rolled upward, and yet higher, till its flames licked the stars, and fired the whole heavens,

it did seem as though the God of the nations was writing in characters of flame on the front of his throne, that doom that shall fall upon the strong nation which tramples in scorn upon the weak. And what fortune awaits him, the appointed executor of this work, when it was all done? He, too, conceived the notion that his destiny pointed onward to universal dominion. France was too small—Europe, he thought, should bow down before him. But as soon as this idea took possession of his soul, he too becomes powerless. His Terminus must recede too. Right there, while he witnessed the humiliation, and doubtless meditated the subjugation of Russia, He who holds the winds in his fist gathered the snows of the north and blew them upon his six hundred thousand men; they fled—they froze—they perished. And now the mighty Napoleon, who had resolved on universal dominion, *he*, too, is summoned to answer for the violation of that ancient law, "thou shalt not covet anything which is thy neighbor's." How is the mighty fallen! He, beneath whose proud footstep Europe trembled, he is now an exile at Elba, and now finally a prisoner on the rock of St. Helena, and there, on a barren island, in an unfrequented sea, in the crater of an extinguished volcano, *there* is the death-bed of the mighty conqueror. All his *annexations* have come to that! His last hour is now come, and he, the man of *destiny*, he who had rocked the world as with the throes of an earthquake, is now powerless, still—even as a beggar, so he died. On the wings of a tempest that raged with unwonted

fury, up to the throne of the only Power that controlled him while he lived, went the fiery soul of that wonderful warrior, another witness to the existence of that eternal decree, that they who do not rule in righteousness shall perish from the earth. He has found "room" at last. And France, *she*, too, has found "room." Her "eagles" now no longer scream along the banks of the Danube, the Po, and the Borysthenes. They have returned home, to their old eyrie, between the Alps, the Rhine, and the Pyrenees; so shall it be with yours. You may carry them to the loftiest peaks of the Cordilleras, they may wave with insolent triumph in the Halls of the Montezumas, the armed men of Mexico may quail before them, but the weakest hand in Mexico, uplifted in prayer to the God of Justice, may call down against you a Power, in the presence of which, the iron hearts of your warriors shall be turned into ashes.

Mr. President, if the history of our race has established any truth, it is but a confirmation of what is written, "the way of the transgressor is hard." Inordinate ambition, wantoning in power, and spurning the humble maxims of justice has—ever has—and ever shall end in ruin. Strength can not always trample upon weakness—the humble shall be exalted, the bowed down will at length be lifted up. It is by faith in the law of strict justice, and the practice of its precepts, that nations alone can be saved. All the annals of the human race, sacred and profane, are written over with this great truth, in characters

of living light. It is my fear, my fixed belief, that in this invasion, this war with Mexico, we have forgotten this vital truth. Why is it, that we have been drawn into this whirlpool of war? How clear and strong was the light that shone upon the path of duty a year ago! The last disturbing question with England was settled—our power extended its peaceful sway from the Atlantic to the Pacific; from the Alleghanies we looked out upon Europe, and from the tops of the Stony Mountains we could descry the shores of Asia; a rich commerce with all the nations of Europe poured wealth and abundance into our lap on the Atlantic side, while an unoccupied commerce of three hundred millions of Asiatics waited on the Pacific for our enterprise to come and possess it. One hundred millions of dollars will be wasted in this fruitless war. Had this money of the people been expended in making a railroad from your northern lakes to the Pacific, as one of your citizens has begged of you in vain, you would have made a highway for the world between Asia and Europe. Your Capital then would be within thirty or forty days' travel of any and every point on the map of the civilized world. Through this great artery of trade, you would have carried through the heart of your own country, the teas of China, and the spices of India, to the markets of England and France. Why, why, Mr. President, did we abandon the enterprises of peace, and betake ourselves to the barbarous achievements of war? Why did we "forsake *this* fair and fertile field to batten on that moor."

But, Mr. President, if further acquisition of territory is to be the result either of conquest or treaty, then I scarcely know which should be preferred, eternal war with Mexico, or the hazards of internal commotion at home, which last, I fear, *may* come if another province is to be added to our territory. There is one topic connected with this subject which I tremble when I approach, and yet I can not forbear to notice it. It meets you in every step you take. It threatens you which way soever you go in the prosecution of this war. I allude to the question of Slavery. Opposition to its further extension, it must be obvious to every one, is a deeply-rooted determination with men of all parties in what we call the non-slaveholding States. New York, Pennsylvania, and Ohio, three of the most powerful, have already sent their legislative instructions here—so it will be, I doubt not, in all the rest. It is vain now to speculate about the reasons for this. Gentlemen of the South may call it prejudice, passion, hypocrisy, fanaticism. I shall not dispute with them now on that point. The great fact that it is so, and not otherwise, is what it concerns us to know. You nor I can not alter or change this opinion if we would. These people only say, we will not, can not consent that you shall carry slavery where it does not already exist. They do not seek to disturb you in that institution, as it exists in your States. Enjoy it if you will, and as you will. This is their language, this their determination. How is it in the South? Can it be expected that they should expend in common, their blood and their

treasure, in the acquisition of immense territory, and then willingly forego the right to carry thither their slaves, and inhabit the conquered country if they please to do so? Sir, I know the feelings and opinions of the South too well to calculate on this. Nay, I believe they would even contend to any extremity for the mere *right*, had they no wish to exert it. I believe (and I confess I tremble when the conviction presses upon me) that there is equal obstinacy on both sides of this fearful question. If then, we persist in war, which if it terminate in anything short of a mere wanton waste of blood as well as money, must end (as this bill proposes) in the acquisition of territory, to which at once this controversy must attach—this bill would seem to be nothing less than a bill to produce internal commotion. Should we prosecute this war another moment, or expend one dollar in the purchase or conquest of a single acre of Mexican land, the North and the South are brought into collision on a point where neither will yield. Who can foresee or foretell the result? Who so bold or reckless as to look such a conflict in the face unmoved! I do not envy the heart of him who can realize the possibility of such a conflict without emotions too painful to be endured. Why then shall we, the representatives of the sovereign States of this Union—the chosen guardians of this confederated Republic, why should we precipitate this fearful struggle, by continuing a war, the results of which must be to force us at once upon it? Sir, rightly considered, *this* is treason, treason to the Union,

treason to the dearest interests, the loftiest aspirations, the most cherished hopes of our constituents. It is a crime to risk the possibility of such a contest. It is a crime of such infernal hue, that every other in the catalogue of iniquity, when compared with it, whitens into virtue. Oh, Mr. President, it does seem to me, if hell itself could yawn and vomit up the fiends that inhabit its penal abodes, commissioned to disturb the harmony of this world, and dash the fairest prospect of happiness that ever allured the hopes of men, the first step in the consummation of this diabolical purpose would be, to light up the fires of internal war, and plunge the sister States of this Union into the bottomless gulf of civil strife. We stand this day on the crumbling brink of that gulf—we see its bloody eddies wheeling and boiling before us—shall we not pause before it be too late! How plain again is here the path, I may add the only way of duty, of prudence, of true patriotism. Let us abandon all idea of acquiring further territory, and by consequence cease at once to prosecute this war. Let us call home our armies, and bring them at once within our own acknowledged limits. Show Mexico that you are sincere when you say you desire nothing by conquest. She has learned that she can not encounter you in war, and if she had not, she is too weak to disturb you here. Tender her peace, and my life on it, she will then accept it. But whether she shall or not, you will have peace without her consent. It is your invasion that has made war, your retreat will restore peace. Let us then close forever the

approaches of internal feud, and so return to the ancient concord and the old way of national prosperity and permanent glory. Let us here, in this temple consecrated to the Union, perform a solemn lustration; let us wash Mexican blood from our hands, and on these altars, in the presence of that image of the Father of his country that looks down upon us, swear to preserve honorable peace with all the world, and eternal brotherhood with each other.

INCIDENTAL REMARKS ON THE "THREE MILLION BILL."

[March 1st, 1847.]

Mr. Corwin rose to explain the motives which influenced him in giving his vote, on a former occasion, on a bill similar to the one before the Senate, to which allusion had been made by the Senator from Delaware [Mr. J. M. Clayton], in the course of his speech to-day. The vote of the preceding session, he believed, was almost, if not altogether, unanimous. It was the first of a series of bills passed at that time, and passed speedily. He admitted that he voted for that bill; he voted for it under the circumstances in which it was presented to the Senate. They were officially advised that our army had been ordered by the President to march from the position it had occupied on the Nueces to the Rio Grande. This order was given by the President, the commander-in-chief, and the army was not at liberty to disobey. They were also informed that hostilities had been commenced between us and Mexico. At that time General Taylor had under his command certainly not exceeding three thousand men—his impression was that General Taylor had not more than two thousand five hundred men. They were informed

at the same time, in the same document, which came to them from the President—if it were not so, he hoped he should be corrected — or through other channels, that the Mexican force amounted to eight thousand men — some statements made it a force of twelve thousand men—which was hovering about our little army with the avowed determination to exterminate them. Under these circumstances, the President of the United States asked for men and money—not for the prosecution of a war of invasion into the heart of Mexico—not for the avowed purpose of taking possession of her towns—still less, as he was reminded by the Senator from Georgia [Mr. Berrien], to dismember the Mexican republic, seizing a province here and another there, and holding them by right of conquest, that they may serve as security and indemnity for the almost boundless expense of this war. He at that time voted for that bill, as he understood every Senator on this side of the chamber did except two, not with a view to make war on Mexico, but for the rescue of our little army from its perilous position. The Senator from Delaware had this day reminded him of that vote, and by implication reproached him with apparent inconsistency.

[Mr. Clayton remarked, "Not at all. The Senator has perfectly justified his vote."]

Well, then, the Senator from Delaware had taken it unkind in him that, to quote that Senator's own eloquent language, he had hung his

harp upon the willow that day when his own and the harp of his friend from Kentucky [Mr. Crittenden] were strung to such mellifluous tones. Mr. Corwin remembered well that he was silent on that occasion, and he should have been silent up to this hour, if it had not been that he was now placed in a different position, and he was anxious to vindicate that position. Why should he have spoken? Delighted as he was then, and on all occasions, to listen to the harpings of his friends from Delaware and Kentucky, he knew his own music would have fallen upon deaf ears. Those Senators had waked up tones of deep supplication, and what followed? Why, after they had strung their harps to notes of woe, they sat down to weep. Mr. Corwin had not thought it necessary to tune his harp on that day, and he did not now regret it. He, however, voted to give men and money for the purposes he had expressed, and what were they now told by the Executive message? That when the demand was made on Congress for these supplies, it was for the purpose of making a systematic invasion of Mexico, to dismember her territory, and holding it by force until she would accept such terms as it pleases her conqueror to prescribe. But those terms were not made known to him. They were not advised what they will be, and the Mexicans were to be left altogether to Executive mercy. Under these circumstances, he thought an extreme case was presented—a case which he found Senators on his side of the chamber willing to say may arise, which might justify them in withholding

the supplies. He had acted upon his convictions of duty in the case, as it was presented to him; but it never entered into his heart or his head to cast censure on those honorable Senators who differed from him. It was a long time, and after painful reflection, that he brought himself to consent to give a vote different from the vote of those respected Senators around him, to whom he looked as his instructors and guides. He had risen merely to set himself right, and having done so, he should resume his seat.

ON THE TERRITORIAL GOVERNMENT OF OREGON—COMPROMISE BILL.

[In the course of the protracted debate in the United States Senate, upon the bill to establish the Territorial Government of Oregon, Mr. Clayton of Delaware, on the 12th July, 1848, moved that a committee of eight Senators—four from the Northern, and four from the Southern sections of the Union—be appointed by ballot, to whom the subject should be referred. This motion prevailed; and the committee on Territories was discharged from the further consideration of so much of the President's Message, as related to New Mexico and California, and the same referred to the said committee of eight.

Pending the preliminary debate upon this motion, in reply to an inquiry of Mr. Corwin's, the Senators of South Carolina (Mr. Butler and Mr. Calhoun), denounced the decision of the Supreme Court of the United States, in the case of the State of Pennsylvania, *vs.* Prigg, so far as the Court held that all State legislation of that character, whether intended to retard or facilitate the owner in the apprehension of his fugitive slave, was unconstitutional. But the former of these Senators (Mr. Butler), agreed with the Chief Justice, and two of the associates upon that case, who, he said, held that the non-slaveholding States "could pass no laws to prohibit the owner from exercising his constitutional rights in reclaiming his runaway slave; but that they might make such laws as would facilitate the delivery, which the obligation of good faith would demand at their hands." Mr. Corwin said]:

I am perfectly satisfied that the Senator stated the decision as recorded in our books. It is enough to say that a majority of the bench have decided the question which I proposed.

[Mr. Calhoun—I do not recognize the decision].

I will not undertake to say, from a very accurate criticism of the case, whether the point now suggested was brought up directly before the court; but it was discussed before it, as one of the questions necessary to arrive at the decisions on the main point; and being discussed by the counsel on both sides, the question was as fully decided by the court as any other brought before them. In regard to the legislation of the States, I am not prepared to say whether the gentleman from South Carolina is fully correct in the statement of his views. But I think the gentlemen from the South have allowed their sensibilities to be quite too much excited on this subject. With regard to the transactions referred to in Kentucky, there has been a great mistake as to the facts. Commissioners were sent on behalf of the State of Kentucky to the State of Ohio, for the purpose of negotiating a treaty of extradition, as the gentleman from South Carolina calls it; and I have only to say, that we did not imprison them nor send them home. We allowed them to remain at our court, where, with the help of the imperial parliament of Ohio, a law was enacted perfectly satisfactory to both sides, and almost in terms the same as the law of Pennsylvania, which was decided upon by the Supreme Court of the United States. That law was repealed by the legislature of the State of Ohio, for the simple reason that the highest judicial tribunal in the United States had decided that they had no constitutional power to pass it. Now, if these States lying within that district of country spoken of as included

in the ordinance of 1787, are denounced for not complying, as is supposed, with the terms of that ordinance, when it is shown that they have legislated exactly according to the prescription of that only tribunal who can interpret judicially the Constitution of the United States, all I can say is, that the charge falls harmless at our feet, and that all Christendom, in all time to come, will absolve us of it.

[MR. BUTLER.—I hope the gentleman will inform us whether that extraordinary embassy from Kentucky to the "imperial court" of Ohio, was not occasioned by the intolerable mischiefs which the people of Kentucky suffered from the escaping of their slaves into Ohio, beyond the reach of reclamation?]

I will answer the Senator with great pleasure. The embassy originated in the solicitude of our sister State of Kentucky to preserve amicable relations with us. The reason assigned by the embassy was, that our law did not furnish to them the means of reclaiming their fugitive slaves. The people of the United States had acted upon the subject in the law of 1793; but it seems that they did not act with that degree of efficiency necessary, in the judgment of the people of Kentucky, to secure to them their property. There was another reason which induced the State of Ohio to entertain that negotiation, and to enact this law. The people of Ohio were just as solicitous as their fellow-citizens of Kentucky to have a statute on that subject, or at least embracing many of the cases supposed in Kentucky to fall within the law. There were, I believe, a few felons in Kentucky—for there is, I believe, a penitentiary there—and occasionally

it contained individuals supposed to have committed crimes. Some of them, finding it inconvenient to execute their purposes in Kentucky, were in the habit of coming over to Ohio for the purpose of kidnapping negroes. Occasionally, a gentleman would be killed in this amiable pursuit; and the apology was, that they had come to reclaim fugitive slaves. If this statement were false, no harm was done; if true, the man who shot him was punished as a murderer, under the law of Ohio. It was, therefore, very desirable on both sides, as well to protect Kentucky in claiming her slaves as to prevent Kentuckians from coming over to kidnap—a very common practice in all States bordering on slave States, with which we were greatly troubled, the expense from penitentiaries being very considerably augmented from that very source—that the question should be settled.

[MR. CALHOUN.—I can not permit the Senator to escape even under a decision of the Supreme Court. By express contract between the rest of the States and the people inhabiting these territories, which are now States, the latter bound themselves to deliver up our fugitive slaves. They are the parties to that contract, under the ordinance, and it has not been superseded by the Constitution.]

Have not the Supreme Court, to which reference has been made, interpreted our rights, duties, and powers, under that compact?

[MR. CALHOUN.—Simply and only under the Constitution of the United States. They could not put aside a contract. It stands upon higher principles. It stands entirely on different ground from the case in Pennsylvania. The decision has not been con-

firmed, and I trust never will be. I have always considered it as the most extraordinary decision ever made. But I put that aside, and present the positive contract between these parties. There was no United States Government then to fulfill it. The old Congress had no such power. There stands the contract, and will ever stand, around which it is impossible to go.]

I have only one remark in reply to the Senator's view of our obligations under the Ordinance. When the Supreme Court decided that, under the Constitution, made subsequently to that Ordinance, these States had no power to pass such laws, unquestionably they have given a judicial interpretation to their rights, power, and duties under the Ordinance as well as under the Constitution. The truth is, that the Ordinance and the Constitution are in the very same words. Whatever obligations there may be under the Ordinance of 1787 remain under the Constitution, and are reimposed by that instrument. Now, it must be seen, that the decision of the Supreme Court comprehends every obligation under which the State of Ohio or any north-western State has been placed by virtue of that Ordinance. Surely if that compact, in the judgment of the Supreme Court, had had an obligation above the Constitution and beyond it, they would have said so. It is true that the case was one from Pennsylvania, but much of the discussion, as every gentleman who attended to it at that time knows, was upon this very Ordinance. But that is immaterial. If the obligations under the Constitution of the United States, which the State of Ohio or any other State of the North-

western Territory owes to the South, as it is called, exists by virtue of the Constitution of the United States, they are not tolerated in legislating upon the subject.

[Mr. CALHOUN.—I can not permit even that view of the case to pass. The Constitution expressly provides for the continuance of this contract between the United States and the people that inhabited the North-west Territory. The sixth article of the Constitution contains an express permission that "all debts contracted, and engagements entered into before the adoption of this Constitution shall be as valid against the United States under this Constitution as under the Confederation." Now, is it not manifest that the Ordinance of 1787 looked to its fulfillment under the present Government, and not the old Confederation, which had no machinery, no capacity to execute it? If the words of the Ordinance and those in the Constitution are precisely the same—and I have not compared them—it is one of the strongest arguments to show that the decision of the court was wrong, and that the words of the Constitution ought to have received the interpretation of the prior words, instead of the prior words receiving the interpretation of the latter.]

I do not intend to controvert the right of the gentleman to take an appeal from the decision of the Supreme Court, but I do not know where he can find any revisory power at present.

[Again, on the 18th, 19th, and 22d of July, the same subject was debated — on the last named date Mr. HALE was about to address the Senate, but yielded to Mr. CORWIN, who said]:

I wish to submit to any member of the committee one or two questions to which it is very desirable to myself, and I dare say to many others, that a reply should be given before we are called upon to vote on

this bill. The bill, with what propriety I will not undertake to say, has been described by the honorable chairman of the committee, as a Compromise Bill. It will be in the recollection of every Senator, that during the discussion upon the Oregon bill, which gave rise to the proposition that laws should be made for all these Territories together, there was one point of law discussed by several gentlemen on both sides of the Chamber. The honorable Senator from South Carolina, if I did not misunderstand him, maintained, that by the Constitution of the United States it was incompetent for Congress to enact that Slavery should not exist in the Territories; and that it was equally incompetent for any territorial government of any sort that might be erected there to make such a law. I understood my honorable friend from Georgia on my left [Mr. Berrien] to maintain the same proposition, in the same identical terms. Now, I supposed, that after that discussion, when the whole question had been submitted to this committee, constituted chiefly of gentlemen learned in the law, they must have revolved in their minds and discussed in their retirement this fundamental proposition, lying at the bottom of all our action. I did expect—though perhaps I was wrong in entertaining that anticipation—that we should have had a detailed report from that committee, resolving that radical question for the benefit of Senators who might not be able, in consequence of their not being learned in the law, to give to the proposition that degree of attention which it deserved. If it be true, as was maintained by my

friend from Georgia—for whose legal acquirements I entertain so much respect that I can scarcely trust myself to differ from him—that Congress can make no such law, why, then, I presume that the objection urged by the Senator from Connecticut, on the other side of the Chamber, falls to the ground. I rise, then, for the purpose of asking of the learned gentlemen who were occupied so assiduously for some days in the examination of this important question, and who must have known, before they retired, that if this grand obstacle could be removed, we should have no difficulty at all in passing such a bill, whether they made any investigation on that point? and if so, whether they are at liberty to disclose the result of it to the Senate?

Again: I wish to be informed from these gentlemen learned in the law—for I have not turned my attention to the particular statutory provisions on this point—how it is that an appeal and writ of error shall lie from the superior judicial tribunal established in the Territories to the Supreme Court of the United States? The gentlemen of the committee having, as I supposed, very seduously directed their attention to the subject which divides us here—the subject of slavery—I wish to know whether, when this law comes to be put in operation, the committee have found with certainty that the question of slavery, as it is usually brought up in courts, can be brought by a writ of error before the Supreme Court of the United States, without some specific legislation? For instance: I believe that in the law which regulates

writs of error and appeals from the circuit courts of the United States to the Supreme Court, it is provided that the value of the thing in controversy must be at least two thousand dollars, exclusive of costs. I have been told, informally, that the provision in this bill, allowing writs of error and appeal, was made to satisfy any gentleman that it was the intention of the committee to withdraw this controversy about the power of Congress to make laws for the Territories from the Congress of the United States—to withdraw this constitutional question, in other words, from Congress, and submit it to the judicial tribunals of the country. Now, if that be so, and if that would be the effect of the bill in case it were enacted, I wish to know, if a man go into one of these Territories with a slave, whether the object of the bill is to raise the question whether that sort of property, without law, can be carried into a Territory where there is no law, and if so, how it is to be carried into effect? Under the existing law, I suppose the slave would ask a writ of *habeas corpus*, and require his master to produce him in court, and show the cause of his capture and detention before one of these territorial judges. The territorial judge, according to this bill, is to be appointed by the present Chief Magistrate of the United States—a fact which I beg to mention for the information of gentlemen north of Mason and Dixon's line. This judge will decide, if he believe the constitutional law to be as the gentlemen from South Carolina and Georgia maintain, that the master has a right to the services of the slave,

who will be accordingly remanded into the service of his master. That is the way in which the case elaborates itself into a judgment, and how it is proposed to bring it before the Supreme Court of the United States, so that it may be decided by the highest judicial tribunal in America. How is it to come here? Is the property in controversy of the value of two thousand dollars? What is the value of a slave? My learned friend from Georgia smiles. Perhaps I may not be so familiar as he is with the value of that kind of property. But if he can listen to me with the gravity which I think the subject demands——

[Mr. BERRIEN (in his seat). The gentleman is entirely mistaken.]

I withdraw the remark. How is the value of a slave to be ascertained? We are told that there is no property in the man, but simply a claim to his services. What, then, is the value of his services? It may be more or less, according to the judgment of men; but very few slaves, I believe, sell for a thousand dollars. If, then, the value of the slave do not reach two thousand dollars, his fate is decided by this judge appointed by the President of the United States, who sits in his court fifteen hundred miles from Washington City. This is the final judgment.

I may be wrong in all this. But certainly, as the law now stands, if such a case come within the category of the bill before us, I have difficulty in perceiving how it can be brought here. I say nothing now of the great advantages that will accrue to the

slave population which may be carried there, in consequence of their having such an easy and facile method of bringing their case before the Supreme Court; nor of the perfect equality between them and their master, as respects the giving of the requisite security for costs; nor of the ease with which they can attend the Supreme Court of the United States, after a journey of fifteen hundred miles during the winter, to hear the decision of that tribunal as to whether Cuffee or his master is right in the matter! But it does seem to me that there is here an anomaly worth looking at about the noon of the nineteenth century. I do not rise, however, to discuss the question, but simply to ask the learned gentleman from Vermont, or any other gentleman, who has given attention to this legal question, to favor me with a reply to those interrogatories which I have now respectfully submitted. I should also be very happy to be informed as to the amount of population in Upper California, and in that described in this bill as New Mexico. I believe we have pretty accurate statistics in relation to the population of Oregon. But I am somewhat at a loss to know why a distinction has been made between Oregon and the territories of California and New Mexico. I should be very happy to know why the people of Oregon have been regarded as capable of making their own laws, while the people of California and New Mexico have been deemed incapable.

[Mr. CLAYTON.—The committee thought, in view of all the facts, that the people of California and New Mexico were not now in

that state which fitted them to elect a delegate to Congress, or a territorial legislature. The gentleman, as a north-western man, knows that many of our territories, in the first instance, had just such a form of government extended over them as is proposed in this bill for California and New Mexico. The next stage of territorial organization we have given to Oregon, and I think my friend from Ohio must admit that the character of the population of New Mexico renders them utterly unfit for self-government.]

Will the Senator from Delaware allow me to ask another question? Why does he consider the people of New Mexico unfit for self-government?

[Mr. CLAYTON.—They are entirely too ignorant, and the gentleman probably knows that as well as I do.]

[On the 24th July, 1848, Mr. CORWIN addressed the Senate at length upon the Compromise Bill reported by Mr. CLAYTON from the Committee of Eight. Mr. CORWIN said:]

MR. PRESIDENT:

I should scarcely undertake to assign to the Senate a reason for prolonging this debate, especially after the very elaborate and lucid exposition of the bill now before us, which has been given by the Senator from Vermont; I feel compelled, however, from various considerations, with which I will not trouble the Senate, to state, in very few words, if that be possible, what my objections are to the passage of the bill; and, it may be, to offer some few observations in reply to such propositions as have been announced at various times during this debate, by Senators on the other side of the Chamber. I have listened with great eagerness, since the commence-

ment of this discussion, to everything that has been said, with the most sincere and unfeigned desire to make myself acquainted with at least the primary elements and principles which enter into the composition of the bill. And, I think I may say, without exposing myself to the charge of egotism, that I feel as little the influences which have been spoken of by the Senator from Vermont as it is desirable that any gentleman, acting in the capacity of a legislator, should feel. I do not participate, however, I may advertise gentlemen, in the belief which has been so constantly expressed during this discussion, that this is a subject which is likely to produce that terrible and momentous excitement that is spoken of. I believe if this principle were discussed solemnly, and, so to speak, abstractedly from those extraneous circumstances too frequently adverted to here, that we should be much more likely to arrive at a satisfactory conclusion to ourselves, and at more satisfactory results, I hope, to those who are to come after us. I have no belief that the passage of a law, such as is now before the Senate, will produce a disruption of the bonds that hold this Union together. I have no belief that the passage of the law so much deprecated by some gentlemen on this side, by the name, if you please, of the "Wilmot Proviso," could, by any possibility whatever, induce the Southern portion of the Union, which, we are told, is so much excited on the subject, to tear themselves asunder from the Constitutional compact by which we are all held together. Sir, if I entertained an opinion of this kind, I should

scarcely think a seat on this floor worth possessing for a single day. I do not think the technical term spoken of by the Senator from Vermont, the "Wilmot Proviso," can of itself exercise that influence upon statesmen of exalted intellect of the South, which has been intimated by gentlemen who have participated in this debate. What is this terrible Wilmot Proviso, that has been erected here and elsewhere into such a raw head and bloody-bones, to use a very expressive phrase of the nursery? What is it? Why, sir, there are about me Senators who know very well to whom the paternity of the "Wilmot Proviso," as it has been recently baptized, belonged. They know that the same gentleman who drafted the Declaration of Independence, which is hung up in our halls and placed in our libraries, and regarded with the same reverence as our Bible—for it has become a Gospel of Freedom all over the world as well as in this country—drafted that which is called the "Wilmot Proviso," composing, as it did, a section of the Ordinance of 1787, and that the hand that drafted both was Jefferson's. There have been some strange misnomers in regard to acts, some strange confusion of nomenclature in this country, as in this case, when a part of the Ordinance of 1787 has come to bear the appellation of the "Wilmot Proviso." Sir, much as I respect that gentleman for his position upon this subject, which has connected his very name with the Ordinance of 1787, I deny to him the honor of originating it. It is a piracy of the copyright. I do not see that there is any danger

that Southern gentlemen, after the lapse of so many years, and after the founding of a young empire in the West, by virtue of that Ordinance, will so desecrate the memory of Jefferson and spit on his grave, because we merely re-enact that Ordinance over a Territory which has subsequently come into our possession. I have no idea that such consequences will follow from the passage of such a law, as gentlemen have predicted. There must have been a strange revolution wrought in the minds of Southern gentlemen between 1787 and 1847, if such consequences are to follow. And I could not help observing while the Senator from Vermont was expressing these noble sentiments, which everybody, even those who do not feel them, must admire, telling us we should act here independently of the excitement without these walls, and that we should scorn those newspaper paragraphs in which we are vilified, written by those who know little of the motives by which we are influenced, and who care less; I could not help observing that at last the Senator admonished us that there was an excitement abroad which we must allay; and to do that, he agreed to this bill, although it was somewhat different from that which he desired—so that the lion-hearted Senator from Vermont has agreed to this Compromise, as it is called, because there is an excitement which he wishes to allay by it. Sir, I desire to see gentlemen act and vote here as if there were no excitement on the subject. I should be very sorry, at least to allow any influences to operate upon my deliberate judgment, except those

which belong to the relation of representative and constituent. It is the farthest from my intention of anything that can be conceived of to say anything in regard to this bill which may wound the feelings of gentlemen who have labored so hard to produce something that would satisfy us all. The Senator from Vermont has acted as he should have acted, has acted nobly in relation to this matter, and I know very well that he will be willing to accord to me the same rule of action, the same independence that he has used; and I fear, when I come to speak of the bill, I shall be under the necessity of availing myself of what the gentleman has called a "special demurrer;" for I do not think there is such pressing necessity for the passage of the bill, as to oblige us to forego the statement of such objections as we may entertain. Suppose you enact no law, what will happen? Oregon has for many years taken care of herself, and I believe, on one or two occasions, made better laws for herself than she is likely to get at our hands. She has taken care of herself ever since she became an integral portion of the Union, by the settlement of the dispute between us and Great Britain. How the new provinces may fare, what may happen to New Mexico and California in the intermediate time which will elapse, if we should not be able to act upon this matter at the present session, is not a matter of much concern or apprehension with me, because I know they have been in your custody for a year or two, and have not complained at all for the want of legal enactments; they have only complained

that you have made too free use of gunpowder. Rather than not act in the matter fully and definitely, as I would if there were no emergency, I would allow those provinces to take care of themselves for another twelvemonths, and come here at the beginning of a new session, ready to act upon the subject as my judgment should dictate.

Now, sir, in the first place, I understand we have a message from the President, although I believe it has not been adverted to by any one, calling upon us to designate the boundaries of these territories of New Mexico and California; and another branch of the Legislature has been anxiously looking to the geography of those countries, and tracing their history, and are as yet incapable of determining where Texas ends and New Mexico begins; and they have been under the necessity of applying to the chief magistrate to give them a lesson in geography. What the substance of the information they have received was I do not know, but I have been informed, upon the floor of the Senate, that Texas extends to the banks of the Rio Grande.

If this be so, I must be permitted to look to the gentlemen of the committee for information as to how much is left for New Mexico, what extent of territory, and what amount of population? Is it worth while to establish a Territorial Government there, if it be true that Texas extends to the Rio Grande? I think it will be found that there will be but a fragment of New Mexico left, so far as population is concerned. It will be very convenient, perhaps, to

attach it to the Government of California. If you send your Governors and other officers there without establishing the boundaries, there will be a conflict of territorial jurisdiction. Is it not expedient to settle it now, when you are founding new Governments there, and placing side by side institutions which may be very dissimilar? It is perfectly certain that Texas will extend her laws to the Rio Grande; and if she does, she will comprehend within her jurisdiction a large proportion of the population of what was formerly New Mexico. Here, then, is my special demurrer. Under other circumstances, I am sure the Senator from Vermont would agree with me that it is indispensable to the Governments which we are about to establish, that the limits of their jurisdiction should be defined, although I do not know that this would be an insuperable objection with me, if the other portions of the bill were such as I could give my assent to.

And now I intend, in a few words, to state why I object to this Compromise bill. Sir, there is no one —there can be no one—who does not desire that every subject of legislation which comes before the Senate should be settled harmoniously, and, if it might be so, with the unanimous concurrence of every Senator. But, sir, in my judgment, with this subject as it stands before us, it would be arrogant presumption to undertake to vote upon this bill, with a question before us which we undertake to transfer to the Judiciary department of the country. How is this? Is it not a new thing in your legislation, when

a system of policy is proposed, and the constitutional propriety of that policy is questioned, to pass an act for the purpose of getting a case before the Supreme Court, that that Court may instruct the Senate of the United States as to constitutional duty in the matter? Sir, if we know certainly what that law will be, need there be any hesitancy how we shall vote upon this bill? Can any one suppose that the Senator from Georgia, or the Senator from South Carolina, if they believed that the litigation that is proposed by this bill to be brought into the Judicial tribunals of the country would result contrary to their determination of what the law should be, that they would be in favor of such a bill as this? Does any one believe that if the Senator from Vermont could anticipate that the Supreme Court of the United States might decide that Congress, being silent upon the subject, had allowed slavery to pass, at its pleasure, into these newly-acquired territories, and to become part of the municipal institutions of these territories, and to decide, also, that if Congress had enacted a prohibitory law, it could not have gone there, he would vote for this bill? Certainly he would not. Is there any necessity that there should be a prohibitory law passed, in order that the question of slavery should be presented with the aid of Congressional legislation to the Supreme Court of the United States? I will not undertake to say that I differ with the Senator from Vermont in a single legal proposition that he has laid down. I regard slavery as a local institution. I believe it rests on that basis, as the

only one that can give it a moment's security. I believe it can not be carried, by the power of the master over his servant, one inch beyond the territorial limits of the power that makes the law. I believe that a slave carried by his master into the territory about which we are talking, if slavery be abolished there, will be free from the moment he enters the territory, and any attempt to exercise power over him as a slave will be nugatory. That is my judgment. But I would guard against any doubt on this subject. I would so act that there should be nothing left undone on my part to prevent the admission of slaves, for I am free to declare that if you were to acquire the country that lies under the line, the hottest country to be found on the globe, where the white man is supposed not to be able to work, I would not allow you to take slaves there, if slavery did not exist there already. More than that, I would abolish it if I could, if it did exist. These are my opinions, and they always have been the same. I know they were the opinions of Washington up to the hour of his death; and they were the opinions of Jefferson and of others, who, in the infancy of the institution, saw and deplored its evils, and deprecated its continuance, and would have taxed themselves to the utmost to exterminate it then. I possess no opinion on the subject that I have not derived from these sources.

I have only to say, that these opinions have always received the concurrence of my own understanding, and this after the most careful investigation I have

been able to give the subject. I find the institution of slavery existing in several States of the Union—it is a local, a State institution, existing under the guarantees of the Constitution. I find that, as a legislator of this National Government, I am forbidden by the Constitution to act upon this or any other merely State institution. I can not, therefore, interfere with slavery in the States as I can in a *Territory*, where, as yet, no State sovereignty exists, and as I will there, and would everywhere else on the face of the earth, where I am not forbidden, and where my power might extend. And here, sir, I ask, what has been your practice as a Government on this subject? If at any time in your progress, since 1789, you have acquired territory where slavery existed in such form and consistency as to make it now difficult to overthrow it, it has been permitted, only permitted, to remain where by law it did exist; as in the North-western Territory before 1789, but had not taken deep root, it was expelled; and as in the Missouri Compromise, excluding it in all territory north of latitude 36° 30′, after 1789.

When Louisiana was acquired, such was the tone of public opinion then against slavery, that I am sure the men of that day would have abolished it there, but for the supposed evil of displacing a system long-established, on which and by which the social and political systems of the country were necessarily formed. Perhaps, also, the terms of the treaty were with some an obstacle. The same men who directed public opinion in 1787, in a great measure controlled

it in 1804. Jefferson, who was the author of the Ordinance of 1787, was President in 1804, when Louisiana was acquired. By his influence, the Ordinance of 1787 made five free States in the northwest, and I doubt not Louisiana would have been also freed from slavery too, but for the reasons I have assigned. Such were the views of men who directed public opinion *then;* would to God they, or such as they, had more to do with public opinion *now.*

When the ample patrimony of Virginia was transferred to the Confederacy, Jefferson, and those of his school, who made this noble donation, at once declared that slavery should not pollute the soil of five rich and powerful new States. Such was Virginian, such was American opinion then. I can not suppose the opinions of these men were so changed between 1787 and 1804, that slavery, at the latter period, would be spared by them, except for the reasons I have assigned already. Liberty, perfect freedom to *all* men, of *all* colors and nations, was the doctrine of Jefferson then, and I am told he is now the authoritative expounder of free principles to the school calling itself "Virginian" as well as "Democratic."

Why, there is scarcely a Virginian who ventures to have an opinion contrary to the lightest thought that he ever expressed. And is it so, that we are now to be required, for the sake of some imaginary balance of power, to carry slavery into a country where it does not now exist? That, sir, is the question propounded by this bill. The Senator from

Vermont is satisfied that slavery can not be extended to these Territories. I believe, if his confidence in the judicial tribunals of the country were well founded, that slavery could not possibly go into these Territories, provided the Senate is right both as to law and the facts. I ask every member of the Senate—perhaps I may be less informed than any—whether slavery does not exist, by some Mexican law, at this hour, in California.

[Mr. HANNEGAN (in his seat).—It does exist. Peon Slavery exists there.]

I would thank the Senator from Indiana if he will inform me what Peon Slavery is; and really I ask the question for the purpose of obtaining information. I desire to know its conditions. Is it transmissible by inheritance? Does the marvelous doctrine of which the honorable Senator from Virginia spoke, as being part and parcel of the law adopted in Virginia—*partus sequitur ventrem*—prevail? Is that holy ordinance, that the offspring of the womb of her who is a slave must necessarily be slaves also, there recognized?

[Mr. HANNEGAN.—As I understand, slavery exists in California and New Mexico, as it does throughout the Republic of Mexico, and is termed Peon Slavery—slavery for debt, by which the creditor has a right to hold the debtor, through all time, in a far more absolute bondage than that by which any Southern planter holds his slaves here.]

So it has been described to me. I have not seen the Mexican laws upon the subject; but the statement just made agrees with that of many gentlemen

who profess to know something on the subject, and therefore I am inclined to think that it is so, and that these people are the subjects of that infernal law. The Senator from Delaware, the other day, informed us that the committee have not given to the people of California and New Mexico the right of suffrage, because they were incapable of exercising it—because a large portion of them were of the colored races. Now, supposing that to be the case, and supposing the proposition to be submitted to the Supreme Court of the United States—was slavery an institution of New Mexico?—what would be the answer? If the Senator from Indiana were there to make response, he would reply in the affirmative; he would say that the institution of slavery was there; that, to be sure, it had its modifications and its peculiarities, but that it was still slavery, though there might not have existed a law as strong as that glorious principle of free government spoken of by the Senator from Virginia—*partus sequitur ventrem.* If, sir, these three Latin words can condemn to everlasting slavery the posterity of a woman who is a slave, may not that municipal regulation of which we are now speaking in California and New Mexico, with equal propriety, be denominated slavery? I find, then, slavery, as it is called, existing here to a degree, and to all practical purposes, as lasting and inexorable as in the State of Virginia; and, therefore, the whole of the hypothesis of the gentleman from Vermont falls to the ground as a matter of fact, inasmuch as the Supreme Court will

decide that slavery existed there, and that, therefore, the whole slave population of the United States may be transferred to that country.

[Mr. PHELPS.—The gentleman will excuse me—I spoke of African Slavery.]

Of that I am aware. I speak now of the general proposition. Now, this is a very curious spectacle presented this day and for weeks past in the American Congress, and one can not help pausing at this point, and reflecting upon the events of the last few years. On looking back at what has happened to that period, I am sure that the magnanimous spirit of the Senator from South Carolina himself will be obliged to concede to the Northern States at least some apology for the slight degree of excitement on this subject. His hypothesis is, that to every portion of this newly-acquired territory—California not excepted—every slaveholder in the United States has a right to migrate to-morrow, and carry with him his slaves—holding them there forever, subject only to the abolition of slavery when these Territories shall be made into States, and come into the Union. What, then, would be those few chapters in our history? We find ourselves now in the possession of Territories with a population of one hundred and fifty thousand souls, if I am correctly informed, in California and New Mexico. The best authenticated history of the social institutions of that population informs us that there exists there, at this moment, a

species of slavery as absolute and inexorable as exists anywhere on the face of the earth; and that about five in six of the population of that country are subjected to the iron rule of this abominable institution there.

Now, I do not expect that any man will rise up and say, that because an individual happens to be the debtor of another, he shall have his own person sold into slavery; and not only that, but that the curse shall extend—worse than that of the Hebrew, not to the third and fourth generation, but to the remotest posterity of that unfortunate man. Nobody will pretend to rise up in defense of such a proposition as that. Now, then, I will give over the criticism. Suppose there is a law in New Mexico which obliges a man to work all the days of his life for another, because he happens to owe him five dollars, by some means contrived by the creditor to keep him always his debtor. Do you intend that that law shall exist there for an hour? Well, you have made a law here, that your law-makers who are to go to New Mexico and California shall not touch the subject of slavery; and if that which is designated, in the popular language of that country, slavery, exists there, do you indeed send abroad, as you promised to do, your missionary of liberty? You went there with the sword, and made it red in the blood of these people! What did you tell them? "We come to give you freedom!" Instead of that, you enact in your code here—bloody as that of Draco—that there shall be

judges and lawgivers over them, but that they shall make no law touching that slavery to which five out of six of them are subjected.

Mr. President, this chapter in your history furnishes instructive matter for our consideration. It is a strange act in the great drama of what we call progress. I have looked upon it with some concern. I was one of those who predicted that this, or something like this, would be the result of your Mexican war. I always believed, notwithstanding your denials here, that you made war upon Mexico for the purpose and with the intention of conquest. I ventured to predict just what we now see, that acquisition of territory would follow the war as its consequence, and its object was that and nothing else; and that this very question would arise, and arise here, to distract your councils, disunite your people, and threaten, as we are now told it does, that peace which you thought of so lightly when war was so wantonly waged against Mexico. It now seems your pretensions were all hypocritical from the beginning. You said your armed men went forth to her in the spirit of love. You pretended their mission was not conquest, but to set free the captive, to raise up the prostrate Peon of that country—and now what follows? As soon as your arms have subdued the country, the gentle note of the dove is changed to the lion's roar. Instead of the proper blessing of peace to your conquered subjects, you propose to leave the chains of the Peon untouched, and now gravely contend that negro slavery shall be super-

added to slavery for debt. This is your improvement, this your progress in Mexico. To exalt the miserable Peon, you give him the enslaved negro for association and example. Sir, this is indeed a spectacle worth noting, in this bright noon of the nineteenth century.

We proclaimed to the world we would take nothing by conquest. This was our solemn hypocritical declaration for two dark years, while our progress was marked by blood, while the march of your power was like another people of old, by clouds of smoke in the day, and fire by night. City after city fell beneath the assaults of your gallant army, and still you ceased not to declare you would take nothing by conquest. *Now* you say this territory was conquered, was acquired by the *common blood* of our common country. You trace back the consideration which you have paid for this country to the blood and the bones of the gallant men that you sent there to be sacrificed; and pointing to the unburied corses of her sons who have fallen there, the South exclaims—"These, these constitute my title to carry my slaves to that land! It was purchased by the blood of my sons." The aged parent, bereft of his children, and the widow with the family that remains, desire to go there to better their fortunes, if it may be, and pointing to the graves of husband and children, exclaim, "There, there was the price paid for our proportion of this territory!" Is that true? If that could be made out—if you dare put that upon your record—if you can assert that you hold the country by the

strong hand, then you have a right to go there with your slaves. If we of the North have united with you of the South in an expedition of piracy, and robbery, and murder, that oldest law known among men—"Honesty among thieves"—requires us to divide it with you equally.

If, indeed, Mr. President, we have no other right than that which force gives us to these our new possessions; if, indeed, we have slaughtered fifty thousand of God's creatures only to subject to our power one hundred and fifty thousand of an alien, enslaved, and barbarous people, it is but a fitting finale to all this to rivet yet closer the chain of personal slavery upon the Mexican Peon, and people your possessions thus acquired by slaves. I repeat, that this right of conquest applied to territory, is the same—no other and no better than that by which originally one man could claim to hold another in slavery. It is but the right, if right it may be called, of the strongest—the law in both cases is simply the law of force. You march over a country, wrest it by war from its owner, and say to the vanquished possessor, this is now mine. I have seized your property; I hold it by the law of force. And so originally the slave-dealer seized the negro in his African home, slaughtered in combat part of his family, bound the rest in chains, brought them here, and sold them. It is simply *power*, and not *right*, in both cases, that makes the claim. I repeat, it seems indeed fitting and in character, that the two should accompany each other

As in the case of *lands* thus acquired, long possession and continued acquiescense (in the judgments of men) ripen the claim into legal right, so in the case of legal slavery, the *captive*, originally held only by force, in time, by the law of men, and by the judgment of men, becomes *property!!* And we are told by the Senator from Virginia [Mr. Mason] that the posterity of such become property only through the magical influence of these words, Roman words: "*Partus sequitur ventrem*"—"The child follows the condition of its mother." Admirable — philosophical—rational—Christian maxim!!! If the mother be captured in war, it seems then the will of a just God, "whose tender mercies are over all his works," that her offspring to the remotest time shall be doomed to slavery. What sublime morality! what lovely justice combine to sanctify this article in that new decalogue of freedom which we say it is our destiny to give to the world, "*Partus sequitur ventrem!*" Why, it is said to be "*common* law." Alas, Mr. President, it is but too "*common*," as we see. This right of conquest over land is the same as that by which a man may hold another in bondage. You may make it into a law if you please; you may enact that it may be so; it may be convenient to do so; after perpetrating the original sin, it may be well to do so. But the case is not altered; the source of the right remains unchanged. What is the meaning of the old Roman word *Servus*? I profess no skill in philological learning, but I can very well conceive how somebody, looking into this thing, might under-

stand what was the law in those days. The man's life was saved when his enemy conquered him in battle. He became *servus*—the man preserved by his magnanimous foe; and perpetual slavery was then thought to be a boon preferable to death. That was the way in which slavery began. Has anybody found out on the face of the earth a man fool enough to give himself up to another, and beg him to make him his slave? I do not know of one such instance under heaven. Yet it may be so. Still, I think that not one man of our complexion, of the Caucasian race, could be found quite willing to do that!

Thus far we have been brought after having fought for this country and conquered it. The solemn appeal is made to us—"Have we not mingled our blood with yours in acquiring this country?" But did we mingle our blood with yours for the purpose of wresting this country by force from this people? That is the question. You did not say so six months ago. You dare not say so now! You may say that it was purchased, as Louisiana or as Florida was, with the common treasure of the country; and then we come to the discussion of another proposition: What right do you acquire to establish slavery there? But I was about to ask of some gentleman — the Senator from South Carolina, for instance—whose eye at a glance has comprehended the history of the world, what he supposes will be the impression abroad of our Mexican war, and these, our Mexican acquisitions, if we should give to them the direction which he desires? I do not speak of the propriety of slave

labor being carried anywhere. I will waive that question entirely. What is it of which the Senator from Vermont has told us this morning, and of which we have heard so much during the last three weeks? And how will *our* history read by the side of that? Every gale that floats across the Atlantic comes freighted with the death-groans of a king; every vessel that touches your shores, bears with her tidings that the captives of the Old World are at last becoming free—that they are seeking, through blood and slaughter—blindly and madly, it may be—but nevertheless resolutely—deliverance from the fetters that have held them in bondage. Who are they? Almost the whole of Europe. And it is only about a year ago, I believe, that the officer of the Turkish empire who holds sway in Tunis—one of the old slave markets of the world, whose prisons formerly received those of our people taken upon the high seas and made slaves to their captors—announced to the world that all should there be free. And, if I am not mistaken, it will be found that this magic line which the Senator from South Carolina believes has been drawn around the globe which we inhabit, with the view of separating Freedom and Slavery—36° 30′—brings this very Tunis into that region in which some supposed, by ordinance of nature, men are to be held in bondage! All over the world the air is vocal with the shouts of men made free. What does it all mean? It means that they have been redeemed from *political* servitude; and in God's name I ask, if it be a boon to

mankind to be free from political servitude, must it not be accepted as a matter of some gratulation that they have been relieved from personal servitude—absolute subjection to the arbitrary power of others? What do we say of them? I am not speaking of the propriety of this thing; it may be all wrong, and these poor fellows in Paris, who have stout hands and willing hearts, anxious to earn their bread, may be very unreasonable in fighting for it. It may be all wrong to cut off the head of a king, or send him across the Channel. It may be highly improper and foolish in Austria to send away Metternich, and say, "We will look into this business ourselves." According to the doctrine preached in these halls—in free America—instead of sending shouts of gratulation across the water to these people, we should send to them groans and commiseration for their folly, calling on them to beware how they take this business into their own hands—informing them that universal liberty is a curse; that as one man is born with a right to govern an empire, he and his posterity must continue to exercise that power, because in this case it is not exactly *partus sequitur ventrem*, but *partus sequitur patrem*—that is all the difference. The crown follows the father! Under your law, the chain follows the mother!

"Sir, we may, we ought to remember, that it *was* law in this country in 1776, that kings had a right to rule us—did rule us. George III said then "*partus sequitur patrem*," my son inherits my crown, "he follows the condition of the father," "he is born to be

your ruler;" your fathers said, this is not true, this shall be law no longer. Let us look for a moment at the doings of that good old time, 1776. *Then*, sir, our fathers, being oppressed, lifted up their hands and appealed to the God of justice, the common Father of all men, to deliver them and their posterity from that law, which proclaimed that "kings were born to rule." *They* (the men of 1776), did not believe that one man was born "booted and spurred" to ride another. And if, as they said, no man was born to *rule* another, did it not follow, that no man could rightfully be born to *serve* another? Sir, in those days, Virginia and Virginia's sons, Washington and Jefferson, had as little respect for that maxim, *partus sequitur ventrem*, as for that other cognate dogma, "Kings are born to rule." I infer from our history, sir, that the men of that day were sincere men, earnest, honest men, that they meant what they said. From their declaration, "*all* men are *born* equally free," I infer that, in their judgments, no man, *by the law of his nature*, was born to be a slave; and, therefore, he ought not by any other law to be born a slave. I think this maxim of kings being born to rule, and others being born only to serve, are both of the same family, and ought to have gone down to the same place whence I imagine they came, long ago, together. I do not think that your *partus sequitur ventrem* had much quarter shown it at Yorktown on a certain day you may remember. I think that when the lion of England crawled in the dust, beneath the talons of your eagles, and Cornwallis surrendered to

George Washington, that maxim, that a man is born to rule, went down, not to be seen among us again forever; and I think that *partus sequitur ventrem*, in the estimation of all sensible men, should have disappeared along with it. So the men of that day thought. And we are thus brought to the proper interpretation of the language of those men which has been criticised by the Senator from South Carolina.

Mr. President, it is worth while to inquire what were the publicly expressed opinions of the leading men and States, as to the policy of Negro Slavery, from the year 1774 up to the year 1787, and from thence up to the final adoption of the Constitution, in 1789. And, first, how was it in the old commonwealth, Virginia?

"*June*, 1774.—At a general meeting of the freeholders and inhabitants of Prince George's county, Virginia, the following resolves were unanimously agreed to (among others):

"*Resolved*, That the African trade is injurious to this colony; *obstructs the population of it by freemen, prevents manufacturers and other useful emigrants from Europe from settling among us, and occasions an annual increase of the balance of trade against this colony.*"—(See *American Archives*, 4th series, vol. 1, p. 493.)

"At a meeting of the freeholders, and other inhabitants of the county of Culpeper, in Virginia, assembled on due notice, at the Court-House of the said county, on Thursday, the 7th of July, 1774, to consider of the most effectual method to preserve the rights and liberties of America:

"*Resolved*, That the importing slaves and convict servants is injurious to this Colony, as it obstructs the population of it with freemen and useful manufacturers; and that we will not buy any such slave or convict servant hereafter to be imported."—(*American Archives*, 4th series, vol. 1, p. 523.)

"At a general meeting of the freeholders and inhabitants of the county of Nansemond, Virginia, on the 11th day of July, 1774, the following resolutions were unanimously agreed to:

"*Resolved*, That the African trade is injurious," etc., [same as the resolution of Prince George's county.]—(*American Archives*, vol. 1, p. 530.)

"July 14, 1774, at a similar meeting in Caroline county, Virginia:

"*Resolved*, That the African trade is injurious to this Colony, etc.; and, therefore, that the purchase of all imported slaves ought to be associated against."—(Ib. p. 541.)

"July 16, 1774, at a meeting of Surrey county, Virginia:

"5th, *Resolved*, That, as the population of this Colony with *freemen and useful manufacturers is greatly obstructed by the importation of slaves and convict servants*, we will not purchase any such slaves or servants hereafter to be imported."—(*American Archives*, 4th series, vol. 1, p. 593.)

"At a general meeting of the freeholders and other inhabitants of the county of Fairfax, Virginia, at the Court-House in the town of Alexandria, on Monday, the 18th of July, 1774, George Washington, Esq., in the chair:

"*Resolved*, That it is the opinion of this meeting, that, during our present difficulties and distress, no slaves ought to be imported into any of the British Colonies on this continent: and we take this opportunity of declaring our most earnest wishes to see an entire stop forever put to such a wicked, cruel, and unnatural trade.

"*Resolved*, That it is the opinion of this meeting, that a solemn covenant and association should be entered into by all the Colonies," etc., etc.—(*American Archives*, vol. 1, p. 600.)

George Washington, Mr. President, was the presiding officer at one of these meetings. Certain young men here may have *heard* something of this George Washington! He was then a farmer of Fairfax. What he did after that meeting, shall be

known, remembered, and revered, by a world, thousands of years to come, long after you and I, and all of us, have been food for worms.

Similar meetings were held, and similar resolutions passed, in the following counties in Virginia: In Hanover, on the 20th July, 1774; in Princess Ann, in July of the same year. I extract from the same volume of American Archives the following, which, from Mr. Jefferson's connection with it, becomes important.

At a very full meeting of delegates from the different counties in the Colony and Dominion of Virginia, begun "in Williamsburg, the 1st day of August, 1774, the following association was unanimously agreed to;" I omit, Mr. President, all not bearing upon the subject of slavery, and quote only the following:

"We will not ourselves import, *nor purchase* any slave or slaves imported by any other person, after the first day of November next, either from Africa, the West Indies, *or any other place.*" It seems, Mr. Jefferson was a delegate to this Convention, but was prevented by sickness from attending. He however addressed a letter to the convention, which I commend to the especial attention of gentlemen from the South, who object so strongly to the expression of opinions as to slavery here. Mr. Jefferson, in one paragraph in his letter to the convention, writes thus, on the subject of negro slavery: "The *abolition* of slavery *is the present object of desire* in these Colonies, where it was unhappily introduced in their

infant state." Mark these words, Mr. President. He complains that slavery was introduced into our American Colonies in their "*infant state.*" Would Mr. Jefferson, were he here to-day, send slavery to the infant colonies of Oregon, New Mexico, and California? But Mr. Jefferson goes on to say: "But previous to the enfranchisement of the slaves we have, it is necessary to exclude all further importations from Africa; but our repeated attempts to effect this by prohibitions, and by imposing duties which might amount to prohibition, have hitherto been defeated by his Majesty's negative, thus preferring the immediate advantage of a few African corsairs *to the lasting interest of the American States, and to the rights of human nature, deeply wounded by this infamous practice.*"

Here we see proofs undeniable that Mr. Jefferson, the leading spirit then, confidently anticipated, not the continuance and further extension of slavery, but its abolition; and in order to the speedy "enfranchisement" of the slaves then in Virginia, he desires to prevent their augmentation, by prohibiting their importation. He complains that slavery was prejudicial to the "*infant*" *Colony* of Virginia. Were he here, would he not vote to exclude slavery from the "*infant*" colonies of Oregon, New Mexico, and California? We have seen that he drafted the clause against slavery in the Ordinance of 1787. We know he remained unchanged till his death.

How stood public opinion, Mr. President, in the year 1775, in the State of Georgia? From the pro-

ceedings of a patriotic association in Georgia at that time, called the "Darien Committee," I take the following:

"We, therefore, the Representatives of the extensive district of *Darien*, in the Colony of Georgia, having now assembled in Congress, by authority and free choice of the inhabitants of the said district, now freed from their fetters, do resolve:

"5. To show the world that we are not influenced by any contracted or interested motives, but a general philanthropy *for all mankind, of whatever climate, language, or complexion*, we hereby declare our disapprobation and abhorrence of the unnatural practice of slavery in America (however the uncultivated state of our country, or other specious arguments may plead for it), a practice founded in injustice and cruelty, and highly dangerous to our liberties (as well as lives), debasing part of our fellow-creatures below men, and corrupting the virtue and morals of the rest; and as laying the basis of that liberty we contend for (and which we pray the Almighty to continue to the latest posterity) upon a very wrong foundation. We, therefore, resolve at all times to use our utmost endeavors for the manumission of our slaves in this Colony, upon the most safe and equitable footing for the masters and themselves."—(*American Archives*, vol. 1, p. 1136.)

From these papers, as well as the general history of the times, we can see what the fathers thought on this subject. May I not, with profound respect, suggest that these papers, dated in 1774 and 1775 explain to us the meaning of the Declaration of Independence, adopted in 1776. Surely, the men who voted the foregoing resolutions in 1775, might, very consistently, in 1776, declare as they did—"We hold these truths to be self-evident, that *all* men were created equal; that they are endowed by their Creator with certain inalienable rights; that among these

are life, *liberty*, and the pursuit of happiness." Well might these men, with their hearts purified from selfishness by the dreadful conflict which then was seen to be inevitable, *feel* that *all* men were equal before God, in whom alone they could trust for aid in that dark hour, and that therefore *all* men were or ought to be masters of themselves, and answerable *only* to the Creator for the use they should make of that liberty—well might those brave, good old men, after such a declaration, look up calmly and hopefully to the Heavens and declare: "And for the support of this declaration, with *a firm reliance on the protection of Divine Providence*, we mutually pledge to each other *our lives*, our fortunes, and our sacred honor."

Mr. President, these men, when they spoke of slavery and its extension, did not get up some hybrid sort of "compromise," and consult some supreme court. They declared slavery an evil, a wrong, a prejudice to free colonies, a social mischief, and a political evil; and if these were denied, they replied, "These truths are self-evident." And from the judgments of men they appealed to no earthly court; they took an appeal "to the Supreme Judge of the World." When I am asked to extend to this new Empire of ours, now in its infancy, an institution which they pronounced an evil to all communities; when I refuse to agree with some here whose judgments I revere, and whose motives I know to be pure, I can only say, I stand where our fathers stood of old, I am sustained in my position by the men

who founded the first system of rational liberty on earth. With them by my side, I can afford to differ with those here whom I respect. With such authority for my conduct, I can cheerfully encounter the frowns of some, the scorn of all; I can turn to the fathers of such, and be comforted. They knew what was best for an infant people just struggling into existence. If their opinions are worth anything—if the opinions of the venerated men are to be considered as authority—I ask Southern gentlemen what they mean when they ask me to extend slavery to the distant shores of the Pacific Ocean, and the slave trade between Maryland and Virginia and that almost unknown country?

I am considering the propriety of doing this thing as if the question were now for the first time presented to us. I ask any Southern man, if there were not a slave on this continent, would you send your ships to Africa, and bring them here? Suppose this Confederation of ours had been formed before a slave existed in it, and suppose here, in the year of grace 1848, you had acquired California and New Mexico, and you were told that there existed a modified system of slavery there, and that they wanted laborers there, would a Senator rise in his place and say, we will authorize the African slave trade, in order to introduce laborers into our infant colonies? If you would not bring them from the shores of Africa —buying them with some imagined "*partus sequitur ventrem*" branded on them somewhere, how can you prove to me that it would be right to transfer them

from Maryland or Virginia, three thousand miles, to the shores of the Pacific? If slavery were a curse to you in the beginning, but struck its roots so deep into your social and municipal system, as was then said, that it could not be eradicated entirely, how is it that you call upon me, as a matter of conscience and duty, to transfer this curse to an area of square miles greatly exceeding that of the thirteen States, when the Confederation was formed? If it is so that it is an evil—and so all you statesmen have pronounced it, and so all your eminent men, with the exception of a few in modern times, have regarded it—how is it that you call upon me to extend it to those vast dominions which you have recently acquired? Is it true that I am obliged to receive into my family a man with the small-pox or the leprosy, that they may be infected? I know you do not consider it in that light now. But the gentleman from Virginia has said that it must be done. Why? Because it is compassion to the slave. He can not be nurtured in Virginia; your lands are worn out. Sir, that statement sounded ominous in my ears. It gave rise to some reflection. Why are your lands worn out? Are the lands of Pennsylvania worn out? Are those of Connecticut worn out? Is not Massachusetts more productive to-day than when the foot of the white man was first impressed upon her soil? Your lands are worn out, because the slave has turned pale the land wherever he has set down his black foot! It is slave-labor that has done all this. And must we then extend to these territories that

which produces sterility wherever it is found, till barren desolation shall cover the whole land? If you can call upon me, as a matter of compassion, to send the slave to California or Oregon, you can call upon me by the same sacred obligation to receive him into Ohio as a slave; and I would be just as much bound, as a citizen of Ohio, to say that the Constitution should be so construed as to admit slaves there, because they have made the land in Virginia barren, and they and their masters were perishing, till Ohio had also become a wilderness. That reason will not do. Sensitive as Ohio may appear to the morbid benevolence spoken of—with which I have no sympathy at all—we can see through that—the citizens of Ohio can not accept these men upon such terms.

What is there in the way, then, of my giving an intelligent vote on this subject? Nothing at all. I would take this bill in a moment, if I had faith in the processes through which that law is to pass until it becomes a law in the Chamber below. But I have not that faith, and I will tell the gentleman why. It is a sad commentary upon the perfection of human reason, that with but a very few exceptions, gentlemen coming from a slave State—and I think I have one behind me who ought always to be before me—[Mr. Badger] with a very few exceptions, all eminent lawyers on this floor from that section of the country, have argued that you have no right to prohibit the introduction of slavery into Oregon, California, and new Mexico; while, on the other hand, there is not a man, with few exceptions (and some

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highly respectable), in the free States, learned or unlearned, clerical or lay, who has any pretensions to legal knowledge, but believes in his conscience that you have a right to prohibit slavery. Is not that a curious commentary upon that wonderful thing called human reason?

[Mr. UNDERWOOD.—It is regulated by a line!]

Yes, by 36° 30′, and what is black on one side of the line is white on the other, turning to jet black again when restored to its original locality. How is that? Can I have confidence in the Supreme Court of the United States, when my confidence fails in Senators around me here? Do I expect that the members of that body will be more careful than the Senators from Georgia and South Carolina to form their opinions without any regard to selfish considerations? Can I suppose that either of these gentlemen, or the gentleman from Georgia on the other side of the Chamber [Mr. Johnson], or the learned Senator from Mississippi [Mr. Davis], who thought it exceedingly wrong that we should attempt to restrain the Almighty in the execution of his purposes, as revealed to us by Noah—can I suppose that these Senators, with all the terrible responsibilities which press upon us when engaged in legislating for a whole empire, came to their conclusions without the most anxious deliberation? And yet on one side of the line, in the slave States, the Constitution reads Yea, while on the other, after the exercise of an equal degree of intelligence, calmness, and deliberation, in the free States the Constitution is made to read Nay.

I admire the Supreme Court of the United States as a tribunal. I admire the wisdom which contrived it. I rejoice in the good consequences to this Republic from the exercise of its functions. I also revere the Senate of the United States. Here is the most august body in the world, they say, composed of men who have wasted the midnight oil from year to year—men who in cloisters, in courts, in legislative halls, have been reaping the fruits of ripe experience, and suddenly their mighty intellects, able to scan everything, however minute, and comprehend everything, however grand, utterly fail them, and they kneel down in dumb insignificance, and implore the Supreme Court to read the Constitution for them. I think the Senator from South Carolina must have had some new light upon the subject within the last few years, and that several of my Democratic friends on all sides of the Chamber must have been smitten with new love for the power and wisdom of the Supreme Court. Do you remember the case adverted to by the Senator from New Jersey to-day? I recollect very well when we did not stop to inquire how the Supreme Court had decided or ordained. It had decided, with John Marshall at its head—a man whose lightest conjectures upon the subject of constitutional law have always had with me as much weight as the well-considered opinion of almost any other man — that Congress had power to establish just such a bank as you had; but with what infinite scorn did Democratic gentlemen — Jackson Democrats as they chose to be called — curl their lips

when referred to that decision of the Supreme Court. Then the cry was, "We are judges for ourselves; we make no law unless we have the power to enact it." Now, however, the doctrine is, that here is one only tribunal competent to put the matter at rest forever. We are to thank God, that though all should fail, there is an infallible depository of truth, and it lives once a year for three months, in a little chamber below us! We can go there. Now, I understand my duty here to be to ascertain what constitutional power we have; and when I have ascertained that I act without reference to what the Supreme Court may do—for they have yet furnished no guide on the subject—we are to take it for granted that they will concur with us. I agree with gentlemen who have been so lofty in their encomiums upon that Court, that their decision, whether right or wrong, controls our action. But we have not hitherto endeavored to ascertain what the Supreme Court would do. I wish next to ascertain in what mode this wonderful response is to be obtained—not from the Delphic Oracle, but from that infallible divinity, the Supreme Court. How is it to be done? A gentleman starts from Baltimore, in Maryland, with a dozen black men, who have been slaves; he takes them to California, three thousand miles off. Now, I don't know how it may be in other parts of the world, but I know that in the State of Ohio we do not travel three thousand miles to get justice. What, then, is the admirable contrivance in this bill by which we can get at the meaning of the Constitution?

It seems the meaning of the Constitution is to be forever hidden from us until light shall be given by the Supreme Court. Sir, this bill seems to me a rich and rare legislative curiosity. It does not enact "a law," which I had supposed the usual function of legislation. No, sir; it only enacts "a law-suit." So we virtually enact that, when the Supreme Court say we *can* make law, *then* we *have* made it!

But, sir, to have a fair trial of this question, so as to make it effectual to keep slaves out of our Territories, all must admit this trial should be had before slaves have become numerous there. If slavery goes there and remains there for one year, according to all experience, it is eternal. Let it but plant its roots there, and the next thing you will hear will be earnest appeals about the rights of property. It will be said: "The Senate did not say *we had no right to come here.* The House of Representatives, a body of gentlemen elected from all parts of the country, on account of their sagacity and legal attainments, did not prohibit us from coming here. I thought I had a right to come here; the Senator from South Carolina said I had a right to come; the honorable Senator from Georgia said I had a right to come here; his colleague said it was a right secured to me somewhere high up in the clouds, and not belonging to the world; the Senator from Mississippi said it was the ordinance of Heaven, sanctified by decrees and revealed through prophecy—am I not, then, to enjoy the privileges thus so fully secured to me? I have property here; several of my women have

borne children, who have *partus sequitur ventrem* born with them — they are my property." Thus the appeal will be made to their fellow-citizens around them; and it will be asked whether you are prepared to strike down the property which the settler in those Territories has thus acquired? That will be the case, unless the negro from Baltimore, when he gets there and sees Peons there—slaves not by hereditary taint, but by a much better title, a verdict before a justice of the peace—should determine to avail himself of the admirable facilities afforded him by this bill for gaining his freedom. Suppose my friend from New Hampshire, when he goes home, gets up a meeting and collects a fund for the purpose of sending a missionary after these men; and when the missionary arrives there, he proposes to hold a prayer-meeting; he gets up a meeting, as they used to do in Yankee times, "for the improvement of gifts." He goes to the negro quarter of this gentleman from Baltimore, and says: "Come, I want this brother; it is true he is a son of Ham, but I want to instruct him that he is free." I am very much inclined to think that the missionary would fare very much as one did in South Carolina, at the hands of him from Baltimore. This bill supposes the negro is to start all at once into a free Anglo-Saxon in California—the blood of Liberty flowing in every vein, and its divine impulses throbbing in his heart. He is to say: "I am free; I am a Californian; I bring the right of *habeas corpus* with me." At last he is brought up on a writ of *habeas corpus*—before whom? very likely one of those gen-

tlemen who have been proclaiming that slavery has a right to go there; for such are the men that Mr. Polk is likely to appoint. He has prejudged the case. On the faith of his opinion the slave has been brought there—what can he do? There is his recorded judgment printed in your Congressional Report—what will he say? "You are a slave. Mr. Calhoun was right. Judge Berrien, of Georgia, a profound lawyer, whom I knew well, was right. I know these gentlemen well; their opinion is entitled to the highest authority; and, in the face of it, it does not become me to say that you are free — so, boy, go to your master; you belong to the class *partus sequitur ventrem;* you are not quite enough of a Saxon!" What, then, is to be done by this bill? Oh! a writ of error or appeal can come to the Supreme court of the United States. How? The negro, if he is to be treated like a white man, taking out an appeal, must give bonds in double the value of the subject matter in dispute. And what is that? If you consider it the mercantile value of the negro, it may be perhaps $1,000 or $2,000. But he can not have the appeal according to this bill, unless the value of the thing in controversy amounts to the value of $2,000. But, then, there comes in this ideality of personal liberty. What is it worth? Nothing at all — says the Senator from South Carolina—to this fellow, who is better without it. And under this complexity of legal quibbling and litigation, it is expected that the negro will stand there and contend with his master, and coming on to

Washington, will prosecute his appeal two years before the Supreme Court, enjoying the opportunity of visiting his old friends about Baltimore!

And now, Mr. President, if we have found upon the opinions of wise ones of old, upon the observations of past and present time, that involuntary slavery is not useful, profitable, or beneficial to either master or slave, that such institutions only become tolerable, because, when long established, the evil is less than those consequences which would follow their sudden change, I think it will be admitted that we should prohibit involuntary servitude in the territories over which we have control.

Here, then, the question arises, have we this prohibitory power? I have already said, that where the Supreme Court of the United States has solemnly adjudged any power to belong to any branch of this Government, such adjudication should, until overruled, have great, if not controlling, weight with Congress. What, then, are the adjudications of that court upon this point? I quote from the case so often referred to, American Insurance Company, *vs.* Carter (1*st Peters' Reports*, page 511). On page 542 of that case, the court say: "The Constitution confers absolutely on the Government of the Union, the powers of making war, and of making treaties Consequently, that Government possesses the power of acquiring territory, *either by conquest or treaty.*" Again, on the same page, the right to make law for a territory is thus spoken of: "Perhaps the power

of governing a territory of the United States, which has not, by becoming a State, acquired the means of self-government, may result necessarily from the fact that it is not within the jurisdiction of any particular State, and is within the power and jurisdiction of the United States. The right to govern may be the inevitable consequence of the right to acquire territory; but whichever may be the source whence the power is derived, *the possession of it is unquestioned.*"

Nothing can be clearer or more satisfactory on this point. While this doctrine conforms to the plain dictates of reason, it is satisfactory to know that the principle has been strengthened by the uniform practice under the Constitution. The latter class of cases is too numerous to permit even a reference to them all. They have been frequently adverted to in this debate, and therefore I need not again bring them to the attention of the Senate. I therefore find the power of Congress to make law for a territory absolute and unlimited. I have only to consider whether a law prohibiting slavery, in a territory where slavery does not already exist, is sound policy for such territory.

Now, if we can make any law whatever, not contrary to the express prohibitions of the Constitution, we can enact that a man with $60,000 worth of bank notes of Maryland shall forfeit the whole amount if he attempts to pass one of them in the Territory of California. We may say if a man carry a menagerie of wild beasts there worth $500,000, and undertakes to exhibit them there, he shall forfeit them. The

man comes back with his menage ie, and says that the law forbade him to exhibit his animals there; it was thought that, as an economical arrangement, such things should not be tolerated there. That you may do: he of the lions and tigers goes back, having lost his whole concern. But now you take a slave to California, and instantly your power fails; all the power of the sovereignty of this country is impotent to stop him. That is a strange sort of argument to me. It has always been considered that when a State forms its constitution it can exclude slavery. Why so? Because it chances to consider it an evil. If it be a proper subject of legislation in a State, and we have absolute legislative power transferred to us by virtue of this bloody power of conquest, as some say, or by purchase as others maintain, I ask—why may we not act? Again; considering this as an abstract question, are there not duties devolving upon us, for the performance of which we may not be responsible to any earthly tribunal, but for which God who has created us all will hold us accountable? What is your duty, above all others, to a conquered people? You say it is your duty to give them a Government—may you not, then, do everything for them which you are not forbidden to do by some fundamental axiomatic truth at the foundation of your constitution? Show me, then, how your action is precluded, and I submit. Though I believe it ought to be otherwise, yet, if the Constitution of my country forbids me, I yield. The constitutions of many States declare slavery to be an evil. Southern gen-

tlemen have said that they would have done away with it if possible, and they have apologized to the world and to themselves for the existence of it in their States. These honest old men of another day never could have failed to strike off the chains from every negro in the Colonies, if it had been possible for them to do so without upturning the foundations of society.

I do not revive these things to wound the feelings of gentlemen. I know some of them consider this institution as valuable; but many of them, I also know, regard it as an evil. But slavery is not in Oregon, it is not in California; and when I find that you have trampled down the people in order to extend your dominion over them, I feel it to be my duty, when you appeal to me to make laws for them, and the Supreme Court has said that I have the power to do so, to avert from them this evil of slavery, and establish free institutions, under which no man can say that another is his property. I do not doubt this power. I know that it has been considered of old, from 1787 till the present hour, to be vested in Congress. The judicial tribunals in the West have considered it so, and the Supreme Court of the United States have said in that decision, so often referred to, that it was so. Have they found any restrictions upon us? No. And what would you do if you were in Oregon to-day, and it were a State? What would you do, and you, and you? Would any man here, if he were acting in a legislative capacity, say, "I feel myself bound to admit this evil into this country,

for the benefit of some of the States who are overburdened with slaves." If this were true, it would be the duty of the free States, in that fraternal spirit which ought to prevail between the various States of the Union, to admit slaves whenever the slave States became overburdened with them. Do we so act in legislating for our States? No; we say, "enjoy your slaves, or free them, as you will, but it is our wish that there shall be no slavery here." You may implore a State, if you will, to take slaves into its bosom for your convenience, but they do not feel themselves bound by any Government obligation to do it. Am I not, then, bound to lay the foundations of that State for whose future progress I am to be responsible, in the way which I think the most likely to produce beneficial results to the people there? And when I find myself possessed of this power, and clothed with commensurate responsibility, no threats of dissolution of the Union, no heartburnings here or there, and, least of all—that which we have heard much of out of doors—the coming Presidential election, shall deter me from pursuing this course. I am for making a law, in the language of the Ordinance of 1787; I would have it enacted that slavery shall never exist in that country. Then, when my black man comes to the Supreme Court of the United States, as provided in this bill, he comes with a positive law in his favor, that court must overrule the decision of the case in Peters, or else such appeal must be sustained. Then we will have acted upon the subject—we will have forbidden slavery. I

observed that some gentlemen who handled this subject, were very careful to repeat, with emphasis, that slavery may go where it is not prohibited. That is the reason I prefer the Ordinance of 1787 to the so-called Compromise Bill. I have no doubt that every Senator who assented to that bill convinced himself that it was the best we could pass. I have no doubt that our friends from the North thought it would be effective in preventing slavery in these territories. But I see that the Senator from South Carolina does not think so. He supports the bill for the very reason that it will admit slavery; the Senator from Vermont, for the reason that slavery is forbidden by it. Now, in this confusion of ideas, I desire that Congress, if it have any opinion, express it.

If we have any power to legislate over these Territories, how long would it take to write down the sixth article of the Ordinance of 1787? Those of us who think that ought to be a fundamental law in the organization of Territories, will vote for it; and those of us who believe otherwise, will vote against it; and whichever party triumphs, will give law to Oregon and California, bearing the responsibility. But I must say that I do not like what appears to me—I say it in no offensive sense—a shuffling off the responsibility which is upon us now, and which we can not avoid. The Supreme Court may overrule our decision; but if we think we have power to ordain that slavery shall not exist in that Territory,

let us say so; if not, let us so decide. Let us not evade the question altogether.

That honorable Senators who reported this bill had its passage very much at heart, I have no doubt; nor do I feel disposed to deny that every man of them believed that it was just such a measure as was calculated to give tranquillity to the agitated minds of the people of this country. Well, I do not care for that agitation further than that I will look to it as a motive to inquire carefully what my powers and my duties are. I have heard much of this—I have been myself a prophet of dissolution of this Union; but I have seen the Union of these States survive so many shocks, that I am not afraid of dissolution. Perhaps, indeed, when this cry of wolf has been long disregarded, he may come at last when not expected; but I do not believe that the people of the South are willing to sever themselves from this Republic because we will not establish slavery here or there. If we have no power to pass the Ordinance of 1787, let the people of the South go to the Supreme Court and have the question decided. It will only be a few months till the court resumes its session here, and the question can then be tried. If the decision be against us, the gentlemen of the South can at once commence their emigration to these Territories. Let us, then, make the law as we think it ought to be made now.

I am the more confirmed in the course which I am determined to pursue, by some historical facts elicited

in this very discussion. I remember what was said by the Senator from Virginia the other day. It is a truth, that when the Constitution of the United States was made, South Carolina and Georgia refused to come into the Union unless the slave trade should be continued for twenty years; and the North agreed that they would vote to continue the slave trade for twenty years; yes, voted that this new Republic should engage in piracy and murder at the will of two States! So the history reads; and the condition of the agreement was, that those two States should agree to some arrangement about navigation laws! I do not blame South Carolina and Georgia for this transaction any more than I do those Northern States who shared in it. But suppose the question were now presented here by any one, whether we should adopt the foreign slave trade and continue it for twenty years, would not the whole land turn pale with horror, that, in the middle of the nineteenth century, a citizen of a free community, a Senator of the United States, should dare to propose the adoption of a system that has been denominated piracy and murder, and is by law punished by death all over Christendom? What did they do then? They had the power to prohibit it; but, at the command of these two States, they allowed that to be introduced into the Constitution, to which much of slavery now existing in our land is clearly to be traced. For who can doubt that, but for that woful bargain, slavery would by this time have disappeared from all the States then in the Union, with one or two

exceptions? The number of slaves in the United States at this period was about six hundred thousand; it is now three millions. And just as you extend the area of slavery, so you multiply the difficulties which lie in the way of its extermination. It had been infinitely better that day that South Carolina and Georgia had remained out of the Union for a while, rather than that the Constitution should have been made to sanction the slave trade for twenty years. The dissolution of the old Confederation would have been nothing in comparison with that recognition of piracy and murder. I can conceive of nothing in the dark record of man's enormities, from the death of Abel down to this hour, so horrible as that of stealing people from their own home, and making them and their posterity slaves forever. It is a crime which we know has been visited with such signal punishment in the history of nations as to warrant the belief that Heaven itself had interfered to avenge the wrongs of earth.

In thus characterizing this accursed traffic, I speak but the common sentiment of all mankind. I could not, if I taxed my feeble intellect to the utmost, denounce it in language as strong as that uttered by Thomas Jefferson himself. Nay, more—the spirit of that great man descending to his grandson, in your Virginia Convention, denounced the Slave Trade, as now carried on between the States, as being no less infamous than that foreign slave trade carried on in ships that went down into the sea. I speak of Thomas Jefferson Randolph. If you

would not go to Africa, and thence people California with slaves, may you not perpetuate equal enormities here? You take the child from its mother's bosom—you separate husband and wife—and you transport them three thousand miles off to the shores of the Pacific Ocean.

I know that this is a peculiar institution; and I doubt not that in the hands of such gentlemen as talk about it here, it may be made very attractive. It may be a very agreeable sight to behold a large company of dependents, kindly treated by a benevolent master, and to trace the manifestations of gratitude which they exhibit. But in my eyes a much more grateful spectacle would be that of a patriarch in the same neighborhood, with his dependents all around him, invested with all the attributes of freedom bestowed upon them by the common Father, in whose sight all are alike precious! It is, indeed, a "very peculiar" institution. According to the account of the Senator from Mississippi [Mr. Davis], this institution exhibits all that is most amiable and beautiful in our nature. That Senator drew a picture of an old, gray-headed negro woman, exhausting the kindness of her heart upon the white child she had nursed. This is true; and it shows the good master and the grateful servant. But, sir, all are not such as these. The Senator concealed the other side of the picture; and it was only revealed to us by the quick apprehension of the Senator from Florida [Mr. Westcott], who wanted the power to send a patrol all over the country to prevent the slaves from rising to

upturn the order of society! I had almost believed, after hearing the beautiful, romantic, sentimental, narration of the Senator from Mississippi, that God had, indeed, as he said, made this people in Africa to come over here and wait upon us, till the Senator from Florida waked me up to a recollection of the old doctrines of Washington and Jefferson, by assuring us that wherever that patriarchal institution existed, a rigid police should be maintained in order to prevent the uprising of the slave. Sir, it is indeed a peculiar institution. I know many good men, who, as masters, honor human nature, by the kindness, equity, and moderation of their rule and government of their slaves; but put a bad man, as sometimes happens, as often happens, in possession of uncontrolled dominion over another, black or white, and *then* wrongs follow that make angels weep. It is, sir, a troublesome institution; it requires too much law, too much force, to keep up social and domestic security; therefore, I do not wish to extend it to these new and as yet feeble Territories.

Is it pretended that slave labor could be profitable in Oregon or California? Do we expect to grow cotton and sugar there? I do not know that it may not be done there; for, as the gentleman from New York has told us, just as you go west upon this continent, the line of latitude changes in temperature, so that you may have a very different isothermal line as you approach the Pacific Ocean. But I do not care so much about that. My objection is a radical one to the institution everywhere. I do

believe, if there is any place upon the globe which we inhabit where a white man can not work, he has no business there. If that place is fit only for black men to work, let black men alone work there. I do not know any better law for man's good than that old one, which was announced to man after the first transgression, that by the sweat of his brow he should earn his bread. I don't know what business men have in the world, unless it is to work. If any man has no work of head or hand to do in this world, let him get out of it soon. The hog is the only gentleman who has nothing to do but eat and sleep. *Him* we dispose of as soon as he is fat. Difficult as the settlement of this question seems to some, it is in my judgment only so because we will not look at it and treat it as an original proposition, to be decided by the influence its determination may have on the Territories themselves. We are ever running away from this, and inquiring how it will affect the "slave States" or the "free States." The only question mainly to be considered is, How will this policy affect the Territories for which *this* law is intended? Is slavery a good thing, or is it a bad thing, for *them?* With my views of the subject, I must consider it bad policy to plant slavery in any soil where I do not find it already growing. I look upon it as an exotic that blights with its shade the soil in which you plant it; therefore, as I am satisfied of our constitutional power to prohibit it, so I am equally certain it is our duty to do so.

In the States where law and long usage have made

the slave property, as property I treat it. It is there, and while there it should and will receive that protection which the Constitution and the good-neighborhood of the States afford and require at our hands. But I should be false to my best convictions of duty, policy, and right, if by my vote I should extend it one acre beyond its present limits. I may be mistaken in all this; but of one thing I am satisfied—of the honest conviction of my own judgment; and no imaginary interruption of the ties which bind the various sections of the Confederacy shall induce me to shrink from these convictions, whenever I am called upon to carry them out into law.

But we are told that when the Constitution was made, there existed certain relative proportions between the power of the slave and the power of the free States. I understood the Senator from South Carolina, that we were under obligations to preserve forever these relative proportions in the same way.

[Mr. CALHOUN.—I said nothing of the kind.]

I am very happy to be undeceived. I understood the Senator to conceive that this is a question of power. It is not so. It is a question of municipal law, of civil polity. The men who framed the Constitution never dreamed that there was to be a conflict of power between the slave and the free States. They never dreamed that the South was to contend that they would always be equal in representation in the Senate to the North. They had no idea of that equilibrium of power of which we have heard so

much. The circumstances of that period forbade any such supposition. Looking at all these circumstances (and I have no doubt those far-seeing men regarded them carefully), you would have had fourteen free States and nine slave States. But every man who had much to do with the formation of the Constitution expected and desired that slavery should be prohibited in the new States; and they even expected to have it abolished in many of the States where it existed. They had no idea of conflict; and if the ultra fanatics in the South, as well as those in the North, would let the subject alone, we should have much less difficulty in a proper settlement of the question.

While the extreme fanaticism of the North, it is said, would burst the barriers of the Constitution and rush into the slave States to enforce their abolition views, trampling on your laws and madly overturning existing institutions there, the South vents its fiery indignation in tones of unmeasured reproach. But have Southern gentlemen considered their position before the world on this question? You declare the opinion that slavery does not exist either in Oregon, California, or New Mexico; all these immense regions are now, and for many years have been, free from negro slavery. And now what do the ultra fanatics of the South ask? Sir, they avow their determination to rush into these free territories, overturn the social systems there existing, uproot all establishments founded in and molded by an absence of slavery, and having thus swept away the former

free systems, plant there forever, the system of involuntary servitude. Sir, Southern gentlemen must say no more about the fanatics of the North endeavoring to uproot your institutions, while you imitate the example of those fanatics in your treatment of the free soil of this Union. Sir, there is no difference between the two cases. The fanatics of the South are but a counterpart of those of the North. If there be any difference, it is only this: The fanatic of the North has this apology—he proposes, at least in theory, to enlarge and extend the boundaries of human rights. The fanatic of the South, strangely inconsistent with the obvious tendencies of the age, seeks to extend, at one sweep, human *black* slavery over a country, new and sparsely settled, larger in extent than most of the governments of the old world. This does appear, to my poor judgment, not merely at war with the spirit of the age, with the *better* spirit, I would say, of men in all ages; nay, more—I must be pardoned if I declare it wears the aspect of absurdity, arrogance, and temerity. Sir, I have spoken out my opinions freely, boldly, but in no spirit of unkindness to any man or any section of our common country. I know how widely different are the views of other gentlemen from mine. I know how habit, usage, time, color our thoughts, and indeed form our principles often. But I must here repeat my belief, that if we could set about this business in the spirit of those who founded this Republic, we should have no difficulty in enacting the Ordinance of 1787. Sir, it is best to repeat what they did. In

1787, they made the Constitution. In 1787, they made that celebrated Ordinance for the north-west. Sir, this doctrine of free territory is not new; it is coeval with the Constitution, born the same year, of the same parents, and baptized in the same good old republican church. And now, when we are about to establish these new republics, much larger than the old, why should we not imitate their example, re-enact their laws, and thus secure to this new Republic on the Pacific the glory, the prosperity, the rational progress, which have shed such luster around that founded upon the shore of the Atlantic?

A Senator who sits before me [Mr. Fitzgerald], has with great propriety explained to the Senate the position in which he is placed on this subject, as connected with his friend, General Cass, not now a member of this body. The subject, as bearing on the opinions and prospects of both General Cass and General Taylor, has been often adverted to in this debate. While I am yet on my feet, I desire to say a word or two on this aspect of the debate.

I speak of one absent from this chamber with every feeling of respect, and with some reluctance. It is said, and I believe truly, that General Cass has, within the last two years, entertained two opinions on this subject, the one in direct conflict with the other. In other words, he has changed his opinion respecting it; whereas he was at *one time* in favor of extending the Ordinance of 1787 over all new territory; *now*, he denies the power of Congress to do so. Thus it follows that he would arrest all such

legislation by interposing his veto. His position *at present* is fixed. But, sir, this facility in forming and changing opinions in a gentleman at his time of life, gives some hope that in the future he may not *obstinately* persevere in his error. Sir, one who on such subjects can change in the two past years his opinion, gives hopeful expectation that he may change back in the two years to come. As Major Dugald Dalgetty would say, "He will be amenable to reason." His opinion, it seems, is, that the whole subject is to be given over to the unlimited discretion of the Territorial Legislatures. As to General Taylor's position in regard to this and all like subjects of domestic policy, I here declare that if I did not consider him pledged by his published letter to Captain Allison not to interpose his veto on such subjects of legislation, he certainly could not get my vote, nor do I believe that of any northern State.

[Mr. HANNEGAN.—I would like to be informed by the Senator from Ohio, as he has referred to General Cass's position, and as he is about to give his support to General Taylor, if he can give us General Taylor's views on the subject, and what his opinion will be, when expressed in a message to Congress?]

I can not.

[Mr. HANNEGAN.—I understand the Senator from Ohio to say, that if General Taylor would interpose a veto upon the subject, he would not vote for him under any circumstances.]

I would not, nor would any Whig in Ohio, unless indeed we found him opposed to just such another man who had a great many bad qualities beside. [A laugh.] But, sir, I have to say that I do not

believe that General Taylor could get the electoral vote of a free State in America, if it were not for the belief that prevails, that upon this subject, as well as upon any other of domestic policy, where the power of Congress had been sanctioned by the various departments of Government, and acquiesced in by the people, he would not, through the veto power, interfere to crush the free will of the people, as expressed through both branches of Congress.

I repeat, sir, that if Congress, having the power as defined by the Supreme Court, acted on by Congress in various cases, as shown by your legislation, sanctioned in so many ways, and till now cheerfully acquiesced in by the people, should enact the Ordinance of 1787 over again, and extend it over the three Territories in question, and the man in the White House should interpose his veto, and again and again thrust his puny arm in the way of the legislative power, and arrest for a long time the popular will, I will not say he would be impeached, tried, and (if the law were so) have his head brought to the block. Patience might in its exhaustion give way to exasperation, and the forms of law and the majesty of judicial trial all fall before the summary vengeance of an abused and insulted people.

I know very well that the Senate is weary of this debate. I wish now only to state another fact, which will show what it is which our brethren of the South now demand. If you take the area of the free States and the slave States as they exist, and compare them, you will find that the latter predominate.

When the Constitution was formed, and when all the territory which you then had was brought into the Union, the free States had an excess of 100,000 square miles over the slave States; but when you had acquired Louisiana, Florida, and Texas, and added them to the Union, and when you have added the claim of the South, that they will carry their slaves into Oregon, New Mexico, and California, what will then be the condition of the free States? The slave States will have one-third more power in the Senate of the United States than the free States could ever have.

Sir, if this is to be viewed at all as a question of power, what I have stated would be the exact result of yielding to the present claim of the South; and this will be the result, unless you prohibit the introduction of slavery into these Territories. Sir, I have seen the working of this system. Plant thirty slaveholders among three hundred inhabitants who are not slaveholders, and they will maintain their position against the three hundred. Let one man out of fifty be a slaveholder, and he will persuade the forty-nine that it is better that the institution should exist. It is capital and social position, opposed to labor and poverty. How this war may wage in the future, I will not say; but thus far the former have ever been an over-match for the latter.

But, sir, I do not like this view of such a subject. If it were merely a comparison of strength or contest for relative power, I could yield without a strug-

gle. But I am called on to lay the foundations of society over a vast extent of country. If this work is done wisely now, ages unborn shall bless us, and we shall have done in our day what experience approved and duty demanded. If this work shall be carelessly or badly done, countless millions that shall inherit that vast region will hereafter remember *our* folly as *their* curse; our names and deeds, instead of praises, shall only call forth execration and reproach. In the conflict of present opinions, I have listened patiently to all. Finding myself opposed to some with whom I have rarely ever differed before, I have doubted myself, re-examined my conclusions, reconsidered all the arguments on either side, and I still am obliged to adhere to my first impressions, I may say my long-cherished opinions. If I part company with some *here*, whom I habitually respect, I still find with me the men of the *past*, whom the nations venerated. I stand upon the Ordinance of 1787. There the path is marked by the blood of the Revolution. I stand in company with the "men of '87," their locks wet with the mists of the Jordan over which they passed, their garments purple with the waters of the Red Sea through which they led us of old, to this land of promise. With them to point the way, however dark the *present*, Hope shines upon the future, and discerning their foot-prints in my path, I shall tread it with unfaltering trust.

IN DEFENSE OF JUDGE McLEAN.

[Mr. FOOTE, of Mississippi, at the conclusion of his remarks, by way of personal explanation, in the United States Senate, on the 23d of January, 1849, read an extract from "Councils, Civil and Moral, of Sir Francis Bacon," which he commended to his honor JUSTICE McLEAN, who had the day before, published a card in the *National Intelligencer*, correcting a misrepresentation of certain of his letters written the preceding year. This extract, Mr. FOOTE remarked, contained "valuable hints" from which he hoped JUDGE McLEAN would profit—among others the following: "Judges ought to be more learned than witty, more reverend than plausible, and more advised than confident; above all things, integrity is their portion and proper virtue."

Mr. CORWIN'S remarks sufficiently explain the nature and purport of the accusation against JUDGE McLEAN. Mr. CORWIN said]:

I DO not rise, Mr. President, to interrupt further the ordinary course of business by the prolongation of this interlude, at all, but only to acquit myself from a sort of imputation which the Senator from Mississippi has pleased to cast upon me.

[Here Mr. FOOTE disclaimed any intention to cast an imputation upon him.]

Mr. President, I dare say, from the apparent personal address which the Senator from Mississippi made to me, as one who did not choose to rise here in defense of Judge McLean upon the accusation presented by that gentleman the other day, that he

would have it inferred—at least others might infer—that I, by my silence, was yielding my acquiescence or agreement to the views taken by him of those two fugitive letters, out of which this grave charge has been manufactured.

I did not think it worth while, the other day, when the Senator from Mississippi, on a motion to amend a post-office bill, took this view of the conduct of my friend, Judge McLean, to say one word in his defense; for with the utmost deference in the world to the opinions then and now expressed by the Senator from Mississippi, I did not perceive that, with the facts before the public, it was possible for his remarks to cast in any mind, other than one very much like his own on particular subjects, the slightest imputation whatever on the purity of character or the judicial rectitude of Judge McLean. All that I could perceive in the matter brought forth by the Senator from Mississippi, was the expression of an opinion upon two subjects, about which everybody knows there has been a very great contrariety of opinion in this country. Judge McLean, in a letter to some friend, who had evidently written to him on the subject, wishing to know his opinions on that great political question—the origin and conduct of the Mexican war—had expressed his views in relation to the matter upon which he was interrogated. It may be possible he may be mistaken. In the minds of that class of politicians who agree with the Senator from Mississippi upon the subject, Judge McLean may have been considered in error in regard

to the origin of the Mexican war, and the means which, in his judgment, should be applied to bring it to a speedy and honorable termination. But is it possible that the Senate of the United States is to be a court of error upon the preferment of a charge by any one, either in a newspaper or here, to correct the political opinions of a judge of the Supreme Court, who, on being interrogated by one of his fellow-citizens in a letter, ventures to express his views upon one of these much agitated topics? I could not conceive that the Senate of the United States or the people of the United States, could expect that a man, because he happens to hold the highly-respectable and responsible station of a judge of the Supreme Court of the United States, can have no opinion in common with his fellow-men upon a subject that has called forth the expression of feeling and opinions from almost every citizen of the republic. I do not conceive that, because the ermine to which the Senator has so emphatically alluded, is upon his shoulder, his tongue is therefore ever to be silent. He is entitled to a vote, in common with every man in the Republic, for a President, for a member of Congress, and of course he must exercise his own judgment upon such subjects with other men; and I had supposed that such exercise of his judgment, and expression of it, too, would be tolerated by his fellow-citizens.

Mr. President, Judge McLean has said in a letter to somebody (and really I do not know to whom that letter was addressed, nor did I apprehend ex-

actly its purport when alluded to the other day by the Senator from Mississippi), that he supposes slavery was not considered as having an existence in any country until its existence was established by a law. For that, I understand the Senator from Mississippi thinks that Judge McLean is in some degree culpable. Well, now, it seems that the Supreme Court of the United States have, in effect, so decided, and Judge McLean has referred to the decision of the Supreme Court, which, in his judgment, establishes this question of law. He has commented upon the decision of the court which has thus adjudicated the question; and I ask if it can be possibly manufactured into judicial impropriety for a judge of the Supreme Court to repeat what are the acknowledged decisions of that Court? I ask if it is likely that the people of this country, who have very long and very properly reposed great confidence in Judge McLean in various positions, political as well as judicial, can be brought to believe him guilty of moral turpitude for such an act?

[Mr. FOOTE here interposed a suggestion that the subject upon which Judge McLean had expressed his opinion in the letter complained of, is yet an open question, and undecided in the aspect given to it, by any court. He alluded to the arguments of distinguished jurists in the Senate, who coöperated in the Compromise Bill of the previous session, to show that such were their views, and that the question had never been adjudicated; and it was in the face of the fact that it would be likely to come before Judge McLean for adjudication that the latter thought proper to pronounce his opinion. This he challenged Mr. CORWIN to "deny" or "vindicate" if he could.]

I thought that question was settled before the date at which this letter was written.

[Mr. FOOTE.—I stated the other day that the bill, although defeated at the last session, would probably be revived during this session and passed.]

I do not remember whether that bill, to which the gentleman from Mississippi has alluded, called the Compromise Bill, had gone to its grave before this letter was written by Judge McLean or not, nor do I think it material.

Judge McLean has only ventured to express, in relation to the subject of slavery, what is the prevailing professional opinion in that circuit in which he resides. I am sure I am not mistaken in this; and I dare say the Senator from Mississippi knows it also. I do not intend, Mr. President, to enter into a controversy here in relation to the correctness of that opinion. I will only add to the high authority of Judge McLean upon that subject, one other — that is my own. I dare say the Senator from Mississippi will consider that as settling the question. That will be respected, I hope. It is my opinion, and I have not been able to gather from *Blackstone's Commentaries* anything to the contrary. I know that there are few, very few, high authorities differing from Judge McLean and myself on that point. But if that be the fact, does it necessarily follow, Mr. President, when Judge McLean is merely so unfortunate as to differ from the Senator from Mississippi, and other gentlemen of the highest professional respectability in the coun-

try, that he is therefore unfit to preside in the circuit north-west of the Ohio river, or sit upon the bench of the Supreme Court of the United States? I ask the Senator from Mississippi in all candor, if it would, under such circumstances, be quite fair to arraign in some sort as criminal the conduct of a man for the mere expression of his opinion upon a mooted question of law? Why, sir, if this were to be the rule by which we would try the judges of the Supreme Court, we should have to expel two or three of them from the bench at every term. They have their books of reports full of dissenting opinions.

I know the Senator from Mississippi feels much upon this subject. I dare say he is anxious to preserve the judicial purity of the bench. But while he is guarding us on this vital point—and all must give high commendation to the motive which governs him in this — would it not be well for the grave Senators who sit here and listen to these accusations, which can result in nothing but recrimination, to remember that we, too, under certain circumstances, should be enrobed in this sacred and inviolable purple, and that it would be well for us not to prejudge any question which may possibly come before us. If Judge McLean has done anything unworthy of his judicial character, and worthy our notice at all, then I think he has done that which ought to bring him before us on an impeachment. How, then, would the Senator from Mississippi, with his judicial gravity, backed by Bacon

and Cicero, appear? I am afraid that some here did not quite understand the gentleman's Latin, and I beg the Senator to translate it for the benefit of country gentlemen like myself. How should we look with the ermine on our shoulders, if Judge McLean were here on trial? We should, doubtless, strut through the scene with senatorial dignity, having prejudged the cause at the instance of the Senator from Mississippi. I dare say, the Senator from Mississippi would sit and adjudicate too upon this very question which he had himself already prejudged! I do not mention this because I suppose it possible for any one to conceive for a moment of the existence of an impeachment against this excellent gentleman, for anything contained in his letters declining to become a candidate for the Presidency, unless, indeed, you impeach a man for the rarest of all qualities, modesty. I do not know but the exhibition, or even possession of that quality may be by some gentlemen considered a crime, but I do not think there is anything in Bacon or Cicero that would warrant us in taking off the head of the Judge for his exhibition of this amiable frailty.

I do not know, and I will not venture to state, further than on the authority of Judge McLean himself—and I read his letter very hastily—that the Supreme Court have decided this very question; but I think a fair interpretation of the judgment of the Supreme Court in the case of Rhodes and Slaughter, referred to by Judge McLean, would warrant him in saying that they had decided a propo-

sition from which it is deducible that slavery is a matter of municipal legislation, and could not exist without it. But he is not infallible—he may be mistaken. I wish he was infallible. I wish others, Mr. President, that I will not name, were so too.

But I must say to the Senator from Mississippi, what I dare say he may have known, or heard of, that if it is supposed that the production of these letters, or any possible inference that can be drawn from them, will shake the confidence of those who have known Judge McLean personally during his whole political and judicial life, that all who indulge this belief, will find themselves (as mortal men often are) sadly mistaken. It will not be believed that a man who has passed through the stations which he has filled, with so little exception ever taken to his public conduct, has, at this period of his life, gone so far astray as to forfeit the good opinion of his fellow-citizens in that place which he has occupied with so much honor to himself, and, I will venture to say, with so much usefulness to the country, which he has so faithfully served for twenty years.

Mr. President, let me again state that I do not rise to present the slightest objection to the expression of the views the Senator from Mississippi takes, knowing that they are honestly his own peculiar views. Nor do I object in the slightest degree to his promulgating his opinions of Judge McLean or any other judge, at all times, and on all occasions, anywhere and everywhere, but I felt myself compelled, representing, as I do, in part, the State in which

Judge McLean has resided during the whole of his mature life, to say thus much, lest my friends might suppose (as the Senator from Mississippi, I suppose, did) that I silently acquiesced in the justness of his remarks on this and a former occasion.

ON THE ACTION OF OHIO TOUCHING FUGITIVE SLAVES.

[PENDING the discussion of the slavery question in the United States Senate, April 3d, 1850, upon the resolutions submitted by Mr. BELL, which Mr. FOOTE moved to be referred to a committee of thirteen (Mr. UNDERWOOD, of Kentucky, having concluded), Mr. CORWIN and Mr. FOOTE rose together, Mr. CORWIN asked:]

WILL the Senator from Mississippi yield me the floor a few minutes, for the purpose of explaining a point in the laws of Ohio, referred to by the Senator from Kentucky?

[Mr. FOOTE yielded the floor.]

Mr. President, the Senator from Kentucky has been pleased to animadvert with some severity upon the legislation of Ohio touching fugitive slaves. I am satisfied if my friend from Kentucky would review carefully what has been done on this subject by the Legislature of Ohio, he would find reason to retract a portion of his remarks, and certainly to abate much of that asperity of feeling which his mistaken views have inspired. I only desire to occupy the Senate a moment, while I correct what I deem a mistake as to the constitutional character of the law, said by the Senator from Kentucky to have been revived by the statute of 1843. This act of 1843 repealed the celebrated act passed, as we know, by

the Ohio Legislature, at the instance of commissioners, Messrs. Morehead and Smith, appointed by the authorities of Kentucky. The law of 1839, passed at the instance of the Kentucky commissioners, provided against kidnapping, among other things.

Sir, if the provisions of the act, which was revived by the law of 1843, were just such as the gentleman has represented, I will not pretend to say here, without examination, whether they were or were not constitutional. The law of 1843 was, at that time, the only law in Ohio providing against kidnapping. When that law was repealed, it was necessary to re-enact the old or a similar law against the very common offense of kidnapping. To this end a law which had been very long in force, and which had been suspended by the act of 1843 was revived. I have not this revived law before me, but I believe it was simply an act making it penal to take by force out of the State any free man, black or white. Such laws, I imagine, or laws very similar, may be found on the statute books of many if not all the States. Now, Mr. President, if the act revived does, as the gentleman supposes, contain a provision forbidding the seizure of any colored person, under any pretense, *without warrant first obtained*, and was therefore unconstitutional, and an infraction of the rights of slaveholders, then the celebrated act of 1839, passed at the instance of Kentucky, by her commissioners Smith and Morehead, was also unconstitutional; for I am very sure it contained a provision making it a penitentiary offense for any person to seize a colored

man until he should first obtain process for that purpose from a judicial officer.

Sir, we hear loud complaints of the revived Ohio law, such as that it disturbed the fraternal relations of Ohio and Kentucky. It was just what Kentucky herself had asked, and agreed to in the celebrated act of 1839. By that law, if a Kentuckian laid his hand on a black man in Ohio, to arrest him as a slave, without first filing an affidavit and obtaining a warrant, he must go to the Ohio penitentiary. These, sir, were the terms fixed by treaty between the two States; these were the happy, peaceful, fraternal relations of the two States as settled by themselves. Sir, it seems to me, if the present law of Ohio against kidnapping be unconstitutional, she [Kentucky] has no right to complain, since she herself asked for and agreed to the same provision, in the act of 1839.

Mr. President, this is a matter of small significance, it is true; but it is well to settle the matter of history aright before it finds its way into *Greeley's Almanac*, so that posterity may not be deceived. I will only add, sir, that whatever the letter of our laws may have been, I have never known or heard of a case in Ohio, where any person was punished for arresting a slave under any circumstances, where the person charged could prove that he was really the owner, or agent of the owner, of such slave.

ON THE BILL FOR THE RELIEF OF WM. DARBY.

In the U. S. Senate, April 23, 1850.

[THIS bill proposed to give the venerable author of "DARBY'S GAZETTEER" the sum of $1.500 for the use of a Map prepared from materials collected by Mr. Darby while acting in the capacity of a Deputy Surveyor for the Government. Mr. Darby was then of very advanced age, in humble circumstances, subsisting upon the salary of a clerkship of the lowest grade in the Government. Mr. CORWIN observed]:

THIS application was referred to a select committee, of which I happened to be chairman at the time; and the report from it, just read, was prepared by myself. Now I agree with the Senator [Mr. Turner], who has just taken his seat, that there is no legal claim presented here; but I can not agree with him that there is not an equitable claim, and just such an equitable claim, I imagine, as has been repeatedly recognized by both branches of Congress. The map mentioned, and upon which the memorial and claim are based, was made upon the individual researches and labors of the memorialist, at a very early period of time, and before, I believe, the cession of Louisiana was ascertained; and it has since been, in every treaty which the Government has chosen to make respecting our boundary in that quarter, the basis upon which that treaty has proceeded. Now, does it appear to the Senate that

any other person has done the same thing? Does it appear to the Senate that these labors of Mr. Darby have been of real value to the Government and people of the United States, and that no other person's labor has furnished those materials which this Government has availed itself of, from time to time, in settling those questions that have been often the subject of discussion, and of very deep interest, concerning our boundaries, arising out of the treaty of the cession of Louisiana? In these matters, as every one is aware, that has been the map upon which every treaty has been regulated. The materials for it were furnished at his own expense, and by labors which very few are willing to encounter. It is true, the main object of them was the gratification of his own curiosity, if you please, for every one who knows anything of the history of this man, knows that he has been all his life engaged in these matters, and that he is a gentleman of uncommon endowments. Of these qualities and labors of the man the Government of the United States have availed themselves in the way in which reference has been made. Suppose that Mr. Darby, instead of ascertaining the boundaries of the territories in that quarter, and furnishing this information, had gone with a company of men, one of these pioneer expeditions of which we have heard, and driven off the Indians, elevated the American flag, and established the American power on his own responsibility and at his own expense, in a country which at last should come into the possession of the United States. Then,

if Mr. Darby presented a memorial, showing at what great expense he had marched through the country, and established the flag of the United States where it had not before been known, and carried the American eagle into lands where it had never soared before, and killed several Indians, perhaps, all of which the Government had availed itself of, how many sections of land would you give him! How many sections of land have you given for such services? How many propositions now lie on your table of such a character? Now, the country derives benefit from all this. The one is the achievement of gunpowder, and the other of science, for your benefit, and not merely for your benefit, but for the benefit of all men. Now, by these facts which he has collected, and by these labors, of which you have availed yourself, you have been benefited, and yet you have never paid Mr. Darby for them. What is equity, I beg to know, as contradistinguished from legal obligations? Here is work and labor done of which you have had the benefit, and there (pointing to the bill) is the bill of particulars, sir, and why not give him compensation therefor?

[Senator DAWSON here remarked, "We will pass it."]

Very well, then, I have nothing more to say.

ON CURRENT POLITICAL ISSUES.

[On the 19th of August, 1859, Mr. Corwin addressed a large political assemblage at *Ironton*, Lawrence County, Ohio, upon the questions of the day. His speech on that occasion was reported in the *Cincinnati Gazette*, a revision of which is now presented to the readers of this volume. Among the distinguished persons present at the meeting, and to whom allusion is made in Mr. Corwin's remarks, were William Dennison, Jr., the Republican candidate for, and since elected, Governor of Ohio, and Laban T. Moore, member of Congress elect from the ninth district, Kentucky. Mr. Corwin said:]

My Fellow-Citizens:

If it were a part of my design, in visiting this portion of the State, to exhibit myself as an orator, I should feel, as my venerable friend,* would feel for me, after what you have heard. I have no ambition in addressing my fellow-citizens, at all events, in popular assemblies, to discharge any other duty to myself or them, than that, if it may be possible, of communicating some information which shall be useful to them in the discharge of their duty as voters.

You who are intrusted with the exercise of that great office of voting which you have so shamefully and so strangely neglected in all your lifetime—you who come here to understand, it may be, your duties from men who come from a distance of two or three hundred miles, do well; but to you who come to

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* The President of the meeting.

listen to smart speeches or fine orations, allow me to say in candor, as one interested in the manner in which this duty is to be discharged, that you had better have staid at home; if you have an honorable calling in the world, or honest occupation in life, you should have attended to it to-day, instead of coming to hear me.

You have heard, in the glowing language of my friend, in the ardor and sincerity of his own spirit, that bead-roll of offenses, God knows it was a melancholy catalogue of crime, which he exhibited against the public men of the State of Ohio and the United States. Now, whenever any man in speaking of the affairs of your Republic, shall be able, with truth and in candor, to pronounce the officers of the Government unworthy the trust reposed in them; to have violated their pledges, if it be so, or willfully neglected the duties of the various posts to which they have been assigned; if ever any man can say that of your public men, with truth, then he has pronounced a condemnation upon the whole system of the American Republic, for he has said that men intrusted with the duty of appointing officers do not know how to go about the discharge of their duty, or do not care in what manner they do discharge it. If there be any man whose heart is filled with shame and anguish, when he hears these things said — if there be any man who feels thus, I hold it is impossible, in the nature of things, that he will not, for the moment, doubt the propriety of giving universal suffrage to any people.

Now some of my Democratic brethren will go away and say that I am a Federalist, on account of what I have said here to-day, but I have felt it my duty to say thus much, everywhere. I have no doubt of the intelligence of the people. I have no doubt of the general integrity and of the honesty of the hearts of the mass of all the parties that ever existed in this Republic; but I assert that I have doubts whether the people of this country do faithfully attend to the election of their officers. Why do I say this? Because, if you will believe what has been said by either of the great political parties, for the last thirty years, the public men whom you have had in office, have been unworthy of the places which they have filled. Whose fault is it that your State of Ohio is inflicted with a heavy loss of $750,000—money wrung from the pockets of the people, by direct taxation? It is gone, and you know not where it is. It is your fault. You elected the men to office.

Let me suppose that some monarch at Washington City was invested with the power of appointing the agents of States to office, to do as he pleased with the government of the States, and that monarch appointed servants as unfaithful to their duties as yours are said to have been, what would you do with him? My life upon it, if there was one drop of the blood that coursed in the veins of your forefathers left warm within you, there would be found some patriotic man to drive the dagger to the heart of that despot. What then is to be done with you, who vote for and elect all these men?

I believe it is now conceded by very many of the Democratic party that the present Chief Magistrate has lamentably disappointed even those who elected him. He has not disappointed those who opposed his election, for they predicted that everything would go wrong under his administration. There are very few Democratic aspirants to office in the North, or West, who dare avow themselves friends of the President. Thus it seems that this officer is now condemned by many of those who voted for him. How came they to elect such a man as that? Had they not sense and sagacity enough to know a man whose life had been before them on their public records for thirty or forty years? Were they so ineffably stupid, that they did not investigate that man's life, to know him before they appointed him to that high office? They could have done it, but did not do it. The great office of electing President and Governor and Legislatures, State and Federal, the great office which you hold, you sadly neglect. I assert that the duties of the Presidency have been discharged with quite as much fidelity as has been shown by many of the people of the United States in the exercise of their great office—the elective franchise. This is not so because you are not intelligent — nor because you are bad men, but because every man has the same interest and power that you have, and you say, "Let somebody else do it." "I will not interest myself in this, or I will be called a politician—the brethren of my church won't like it; why should I disturb myself about this thing? I have my own

affairs to attend to, and I will attend to them, and as for this business of regulating the affairs of the Republic, I will leave that to those *fellows* who want office." That is the way you think about it; that is the way you have acted with it. If you had not acted in that way, I tell you that few of these calamities which you have now to deplore would have occurred; few of these great instances of blundering would have happened. Why have you not done this? I say, you will not attend to this business; if you did, if you had done so, then I think it must follow, as a legitimate conclusion, that you don't know how. So much for the consideration of my brethren in this private little class-meeting of ours, of two or three thousand persons, where we are considering the state of religion in the American Church, and lighting up a candle and putting it into every man's hand that he may search his own bosom.

Let those gentlemen who feel themselves quite too respectable and decent to mingle in our elections, remember that God Almighty will hold them responsible for the manner in which they discharge their duty as voters. That right and privilege is not given to them for their benefit, or to be used at their pleasure, but for my benefit, for your benefit, and for the benefit of the thirty millions of people in the United States. If one sees an unworthy man go to the polls and take possession of the Government, and he will not prevent it, if there be such a thing as future responsibility — as we all believe — that man will

have something to answer for upon that final day when all of us must account for our acts.

Do you suppose that the old men who published that Declaration of Independence, which gave birth to your national existence, for the maintenance of which they appealed to the God of nations, approve of this neglect? They felt their own weakness, they, acting upon the commonly accepted principles of human reason, felt that they would perish in the conflict into which they were then about to enter; and at last, as poor feeble man always does when he feels he has nothing to lean upon but his own arm, he goes to the Almighty for help in that hour of trouble. They appealed to Him, and He answered well in the day of their trial; and all the struggles they endured, all the blood they shed, all the pains and privations they suffered, were simply to end in just one thing—in communicating to every rational free man equal power to govern the nation. That office they communicated to you—the voting people of the country. Did they suppose—could they have believed that the people of this country, the respectable people of the land, would so scorn the great and priceless estate which they left them, as that they would not attend to appointing the agents to take care of it, but that some mercenary spirit was to take care of *them*?

If each member of the community had an interest in a banking institution, or in a joint stock manufacturing company, where his reward was to be but a few paltry dollars per cent. on his capital—if a

meeting was called to appoint a president or an agent of that company, he would attend this meeting, to elect this president and director of the paltry bank or joint stock concern; but when the president and directors are to be elected to take care of the liberties of the whole country, oh, these men are too decent, too respectable, to attend. It is not respectable to be a politician, they tell us, or they are too careless, or they have half an acre of buckwheat which might not be got in and saved, if they left home on the election-day.

That is the way you act with your privileges. Let us cease complaining of the men you elect, and of the laws they make. One thing we know to be perfectly certain, the stockholders do not attend to the election of the president and directors, or if they do, they don't know how to do their duty.

Don't let us blame our Presidents so much! Don't let us anathematize the men we have elected to these offices of State, too much! Let us abuse the people who elected them. They are to blame for wrongs done, if any have been done. If you elect a judge, and he does not attend at court, and if an innocent man is hung because he was not there to try him, what do you with him? You take him to Columbus and impeach him. He is removed from office, and the brand of disgrace and ignominy is placed upon his brow. But you can be absent from elections, and let unworthy men be elected to office. You don't like some party or other. The judge might say he did not like his associate; he did not like

to sit near him—he had not a very sweet breath. I tell you, sirs, that is quite as valid as many of the excuses that men make for staying away from elections.

What have you been doing now, to go no further back than the last few years—sixteen or seventeen? All of you of mature age, remember the year 1840 very well. What did all the people of the United States do then? They rose up with mingled feelings of merriment and indignation—for it was difficult to tell which prevailed that year, the events of the administration of Mr. Van Buren, had been so singularly out of the way, nowise conformable to anybody's notion of things, it was difficult to say whether it was looked at with indignation, contempt, or merriment. Many of his officers were running away with the people's money—you know how we used to show up the leg-treasurers! Three-quarters of the people started up and declared, we will have no more Democratic government; we will have Whig government. The principles upon which these two parties were contending, then, for your suffrages, were diametrically opposed. Upon due deliberation and solemn consideration (for I do hope you sometimes consider these things), it was determined by an unexampled majority of the country that, henceforth, Whigs and their principles should be the rule of conduct in the United States. It was so! Your decree, when you make it, is always omnipotent.

Four years pass away—they go by—and what

happens then? You have again to appoint a President of this great joint-stock company of ours. The people have two men presented to them. One has been alluded to by my friend, Mr. Dennison—Mr. Clay, of Kentucky—a man who has been spoken of so much, that it would be idle to attempt to employ terms adequate to express the feelings with which one who knew him as well as I did, regarded the great loss we have sustained by his death; a man of whom the nation was proud, a man who had a European reputation, who was regarded as the great champion of regulated liberty, by men of intelligence, all over the world; in addition to this he had endowments which it has pleased God very rarely to give to mortal man; an integrity as pure as the highest integrity of the highest and best of the ancient people who have descended to us as demi-gods. Nobody questioned this in the election at all. It was named and repeated every hour. He did not like the annexation of Texas to the United States; not because he himself had any personal objection to any accumulation of slave States in the country, but because he believed it would disturb the harmony of the Republic as it then existed. The harmony and prosperity of this land were the idols of his heart. Another man was also presented to the American people—a very ordinary man. (I wish to speak of him in no terms of disparagement.) You all know something of Mr. Polk. He never pretended to be the equal of Mr. Clay. Mr. Polk differed from him with regard to the annexation of Texas. He desired

that that independent Republic, living under the shadow of our wing, should be annexed to the United States. He was a democrat of the Democrats. I knew him well. You know that I speak truly of his history. As a politician he was opposed to everything now proposed by the Opposition in the slave States, and by the Republican party in the free States, as the proper system of government in this country. Well, Clay proposed to the country to continue the Whig government begun by Mr. Harrison, and but partially carried out by his successor. You had determined, four years before that, henceforward you would only have Whig principles and Whig rulers. Four years passed by, and with the mighty difference between the two men, you determined by a very large majority you would have no more Whig government, but would have Democratic government, even when you could have the pleasure and the pride of voting for one of the greatest statesmen the world ever knew. The stockholders changed their opinion greatly in these four years, or else they did not vote their principles at all.

Well, as we know human nature is full of imperfection, and as men are gaining light every day in the world, we fondly hoped by the school-houses and churches which we had erected, we would get some intelligence. We began to suppose that we were mistaken in 1840, and that we had learned that the Democratic was the true rule of government in the country.

Four years more rolled round, which brings us to

1848. The country, in the meantime, had been involved in a foreign war, and it is very rare, when the ambition of our Republic is concerned, and that ambition is put into conflict with another nation, that the men of the nation do not take sides with him who wages the war. What did we in 1848? With about the same unanimity as before, we declared that we would have no more Democratic government, we will have a Whig government, even though we have to deposit this great power of statesmanship in the hands of a man fresh from the battle-field, who was never in the councils of his country. The stockholders have changed back again!

Four years more rolled around, and 1852 comes upon us, and finds us still increasing in light and knowledge. Mind, in 1848 we jumped back just eight years. We found, I suppose, that the light had been leading us astray—that we failed in 1844. Now we are at the stand-point of 1840 again. Instead of keeping our resolution to continue a Whig government, we have found out that we were mistaken a second time, and we take *not* General Scott, who was by no means an ordinary man. He was a Whig, and you put away that illustrious general and that eminently qualified statesman, and took a man who was not *quite* his equal in peace or war. I wish to speak in no way disrespectful of Mr. Pierce, but I say that you fell so much in love with democratic government, that you threw away a Whig who was eminently qualified as a statesman and renowned as a warrior, and took a man not renowned in either way.

Now this, and all of this, is applicable to all of us. What would you think of any man—to illustrate—of any farmer, who would take one of those fine patent plows and plow down his barren ground, and raise a good crop upon his land which he had thrown aside as useless, gather his crop into his garner, reap the reward of his labor, thank God for his fruitful harvest and pocket the money it brings to him; and then when he had another crop to raise, should say, "By that plow I got a good crop, a better one than I expected, but as I have the power to do as I please with my own land, I will try the old 'go-devil' plow this year." You all know what a "go-devil" is. You know it is a harrow with three prongs, a very good thing in its way, but by no means a good thing to break up ground with. Well, he takes his "go-devil" and he kicks his ground about, and he gets no crop, and you all know well he can't get much of a crop that way, anyhow. Now he gets in debt. He says: "Well, I was a great fool to take that 'go-devil;' I will get that patent plow to work again." The third year he uses that plow again, and he gets another good crop, and gets out of debt. He gets his money into his pocket, and goes to his thanksgiving dinner, eats his turkey and thanks God for his goodness. The fourth year, however, he says: "Have I not a right to do as I please, I will take that old 'go-devil' again;" and he takes it, and the result again is quite *devilish.*

That is precisely what you, the people of the

United States, have done with your power of voting. That is exactly what you have done. Do you wonder that those veteran old statesmen in Europe, such as Metternich, or Walewski, and Palmerston and Derby, who have read over and over again all that is said about popular government and all that has been written, and have seen it always remarked that especial care must be taken to guard against the carelessness and vacillation of the people, do you wonder when those old gentlemen see what you have done, how you have acted with the exercise of this right of suffrage, as if you did not care what became of your country, or did not know what ought to be done, changing four times in four successive elections from Whig to Democrat and from Democrat to Republican, that they should doubt your discretion? It seems as if you did not know how to do this work. Do you suppose that any man who acted with his plows as I have stated to you, could ever make a will in the world? I tell you no judge would allow such a man's will to go on record, because such a man must be insane. If that man were to make a deed of a house and lot, and his heirs were to prove this, it would be declared null and void. If his heirs should want to set aside such a man's deed, let them send for me, and I will set it aside before any intelligent jury in your country, because the man must be insane.

Yet you have done the same thing with this right of voting. You have acted in just that way, and now, when we lift up our hands with indignation, at

the bad conduct of our rulers, don't let us blame the "go-devil" because he did not go twelve inches into the ground, because he can't. That is what we have done. Let us cast the beam out of our own eye, and then we will see clearly the mote that is in the poor President's eye. I pray you, ponder these things. Do they not, as we hear it said sometimes, "look to a man up a tree" like truth?

Now, my fellow-citizens, it is because of these things, and because I am, as a citizen, interested in this matter, that I have the impudence at all to come and speak to you about it. We are to elect a President and Directors soon again, and I am interested in that election, just as you are, and if you are weak enough to listen to me, I must speak what I believe, and speak such belief plainly to plain men.

We here have parties! I am not one of those who believe that political parties are natural necessities. I am not one who believes that as men of sense and discretion, we have need to differ about this thing at all. I admit that parties are made necessary by the present imperfections of mankind. But while I would admit as much, I would beg of you to put away the little, mean and trifling ambitions and asperities of parties, and my life on it, if you would do that there would not be so much party in the country as there is. You should have a President who would summon the whole faculties of his head and the better emotions of his heart, and concentrate them upon the idea that he was the representative of the only free government on the face of the earth,

and the one supposed to be the model of all to come after us in all nations of the world, that want to be free—if we could but get a man that would elevate himself so high as to think that, and act upon it—newspaper paragraphs would be somewhat changed. We have seen lately a statement in the papers to this effect. Some post-master, far away in the prairies of Illinois, the gross receipts of whose office might be equal to five dollars a year, had the impudence to poke his head out of the little log cabin in which his office was held, and say that he thought Stephen A. Douglas was a respectable man. He was overheard by some poor man—not poor in property, but poor in soul, who had a little starved and miserable soul in him, who wrote to this mighty representative of the only free country on the face of God's earth, taking care of the liberty of thirty millions, that he did not like Mr. Douglas, while the other man, the post-master, did. He begged that the President would send forth a mandate to that poor little fellow on the prairies, who was collecting his five dollars per year (I dare say about the fifth part of the expense of his fuel for one winter), to go out of office and let some man come in who did *not* like Mr. Douglas.

That is a fact, so they say. Don't let me now be holding up Mr. Buchanan as an exception. Such has been too much the case with every President since this party spirit has been so much in vogue. Whig and Democrat, etc., have been guilty of the same sin. I know, when you are electing a man to

make laws for you, you must elect one whose notions agree with yours; but I do not know, that when you have a clerk at Washington, and the Whig party believe the penknife he uses ought to pay thirty per cent. *ad valorem* duty, and that poor clerk has not been able to see that distinctly, although he is a capital book-keeper and a faithful man, but in his soul and conscience, he thinks it would not be right to pay so much duty as that, that you should turn him out of office, and say that he is not fit for a book-keeper. It is not respectable. I know that, because I have seen it tried. No man can feel like a gentleman, if God has made him one, and do that thing. If that man holds his tongue, we will not question him as to that; but if he is to go to Congress and make laws for us, to establish that duty on the penknife, then we will ask him about it.

All of this we have done, and this has increased that party asperity, and induced men to take sides with the party in power, and, of course, the meanest men in the country will get the offices on that principle, the little executive offices and the little ministerial offices. That is what we have all done. Let us quit it. Let us see if we can not quit it. If you want a man to represent your republic abroad, find a man who has some of the qualifications of a gentleman—I mean a gentleman of God's making, not a fellow in fine clothes, though of course he ought to be dressed decently when he goes *courting*. Let him be a man of respectability. You have enough of these men. Don't appoint a man who

shall be spoken of as a friend of mine told me one of our representatives was spoken of. My friend had been *charge d'affaires* at Brussels, *a great while—four years;* while there, he became acquainted with a French diplomat, and that French diplomat had seen a man, at a foreign court, who represented our government as *charge d'affaires.* He was a very stupid man; he did not speak any language very well. Now, said this French gentleman, "Why don't you send fine specimens, good-looking men, who speak some language?" "Oh!" said my friend, "don't they all speak some language?" "No," was the answer, "I met a gentleman at Copenhagen who speaks no language at all. He speaks some infernal *patois*, which they call *Ohio.*" Of course, your representative was treated with contempt. The Frenchman thought he was the best man we had.

We should not be very particular about his politics either; for our domestic politics have very little to do with our foreign missions. The man who would select a Judge of the Supreme Court or Circuit Court of the United States, to discharge the great duties of that station, because he was a Democrat or a Republican, *without reference to other qualifications*, his head ought to roll upon a block. Judicial qualifications have nothing to do with Republican *policy* or Democratic *policy.* Judges decide matters of law, not measures of policy.

The opposition to the Administration on the other side of the river has been chiefly concerned in a dispute as to what shall be done with the slave property

in the south. You have heard what friend Dennison has said. He says, it is the doctrine and resolute determination of the Republican party of Ohio, and he might have added, of all of what is called the free States of the Union, to exert the power which they hold belongs to them, under the Constitution of the United States, by Congressional action to prohibit slavery in any territory where it does not already exist. My own impression is that that ought to be done. That is my belief about it.

I am not so very particular about this, as a mere matter of doctrine, because I think that there will be much more important duties for us to perform when we get to Congress, than to dispute about this abstract proposition. Slavery exists, as you know, in certain portions of the United States. The only territories that can ever be subject to slavery, are those of Utah, New Mexico and Washington; and into either of these, it would be madness to take slaves now. Kansas has settled the question for herself, after fighting a pretty hard battle, under this doctrine of "squatter sovereignty."

But it is said, Congress has no power over this subject of slavery in the territories. It is said, you find, in the Constitution, the phrase, "popular sovereignty," or "squatter sovereignty," or that the ideas represented by such language, is there, or fairly implied from language which is there. This is what we do read in the Constitution touching the power of Congress over Territories. "Congress shall have power to make all needful *rules* and *regulations* re-

specting the *Territory*, or other property of the United States." Now if the framers of the Constitution had intended, that the then North-western Territory and all Territories for all time to come should have the right, without any control of Congress, to enact and execute any law, which the inhabitants or squatters should please, would they not, after what I have recited, have gone on to declare, that "the inhabitants of any territory should have power to make all needful *rules* and *regulations* for their internal and 'municipal government?'" It is very clear that they would have done so had they intended any such power as what is now called popular sovereignty should be exerted by the people of a Territory. But they inserted no clause to that effect, they left this power in Congress alone, and the history of our legislative, and judicial decisions and executive acts, all show for more than half a century, that such was the meaning and intent of the Constitution.

The words used in the Constitution which I have read to you, have been criticised with a display of much philological learning. Words in use in the every-day talk and transactions of life are often used carelessly, and by different persons in very different senses; words that have application to peculiar sciences or arts have, when applied to such science or art, a well-defined and fixed meaning. This is true of all words, in any language, which have reference to the science of law. Now the words "*rules* and *regulations*," used in the Constitution, have a fixed and well understood meaning. We should bear in

mind that the men who framed and wrote the Constitution were not only wise and good men, having large acquaintance with the great principles of civil polity, but they were, many of them, learned men and very learned lawyers. When they made use of terms which have been well defined in books which treat of law, they knew, and intended, that these words or phrases should carry with them the same meaning which had been assigned them in the books from whence they derived them. I dare say, most of our advocates for popular sovereignty will allow that Gen. Hamilton, one of the most influential members of the Convention, had read and studied *Blackstone's Commentaries.* Blackstone defines law to be a "*rule*" of action prescribed by the Supreme Power commending what is right, etc. When the Constitution ordained that Congress should have power to make all needful "*rules*" concerning the Territory—and it simply provided that Congress should have power to make all needful "*laws*" concerning the Territory — so the language imports, and so more than fifty years of practice prove, did "the Fathers" understand the words they had used.

We must never lose sight of this historical argument. On this subject it is worth all the philology of all the schools. There is a history pertaining to this question, as there is belonging to the Christian Church and to most of the great points of theology and divinity, arising out of the Bible, which is the constitution for that Church. Now, what do all preachers of the Christian religion do, when a dis-

pute arises touching the meaning of a text. If they can be satisfied by any explanation given by its author, either by words or acts, then the question is settled at once. By the plainest principle of common sense, if the author of any writing whatever, declares the meaning of his own words, *that* is to be taken as the true meaning and intent of such author. If a question arises about the proper interpretation of a passage in the writings of Paul, Matthew, or John; if it can be shown that either of them declared what such text did mean, or, by his constant practice, and conduct, showed that the writer did understand it to mean this or that, then I presume, the most hypercritical disputant would be obliged to agree to *such*, as being the proper sense of the passage in dispute.

Now the question I ask, in this, as in all other cases where the true intent and meaning of the Constitution is in question, is, what did "the Fathers" intend? Let their acts answer. I presume no one of the modern school of patriots will assert that the Fathers were rogues, and went straightway, after they made a Constitution, to *break* it. I could here tire your patience, exemplary as it is, by a long recital of their acts, showing that they understood the Constitution to give Congress full, and complete, and *exclusive* power, to legislate, in all cases, and on all subjects, for the Territories. Let a very few historical references on this point suffice, for the present.

The Territory of Indiana, between the years 1803

and 1810, petitioned Congress, I think as often as three times, to enact a law which would authorize that Territory to hold slaves. Sometimes they asked it for a limited time, sometimes to have it in a modified form. Now what did Congress do with these petitions? Did they refuse to refer them to a committee, on the ground that Congress had no power to make any law (as now contended) for Territories? No such thing. They referred all these petitions to committees, from time to time, as they were presented. What did the committees do in the premises? Did they report, that Congress had no power over the subject, and ask to be dismissed and discharged from its further consideration? Not at all. On the contrary, they examined the petitions, they deliberated, they reflected; they considered the territory and its people as their territory, and their proper constituents. They acted as guardians of Indiana Territory, as having been so constituted by the Constitution, which had imposed this duty upon Congress, from which duty they could not release themselves. In one instance, I believe, one committee reported favorably to the prayer for slavery, but that report was never sanctioned by the vote of Congress, nor was it rejected. It lay on the table, and was not acted upon by Congress at all. In another instance, the justly celebrated John Randolph, of Roanoke, was chairman of the committee to whom one of these petitions was referred. He was then a Jeffersonian Republican. He was not one to assume power not granted by the Constitu-

tion. Nor was he likely to be ignorant of any of those arguments, now-a-days quite common, in favor of the advantages of slave labor. He was a Virginian, a slaveholder, and beyond any cavil or doubt, *he was* "of the first families." He, I suppose, had not learned yet what his successors in Virginia, perhaps of the *first*, perhaps of the *second* families, have discovered, that is, that *by virtue* of the Constitution, slavery was in Indiana all the time. Neither did the stupid people of Indiana, who begged Congress for slavery, know this great secret. Had some *modern* lawyer but been "then and there" to pronounce "the magic word," "the response of the oracle" as given now, "over all the Territories the Constitution carries and sanctifies slavery, '*suo proprio vigore*'"—had Randolph and Cæsar A. Rodney "but known this much," what labor, what painful thought and anxious care would have been spared to them! Alas for "the Fathers," they did not know what *their own* Constitution meant—they did not understand the work of their own hands; they did not, it seems, comprehend the import of their own thoughts, and, more to be deplored than even this, the "old fogies" of Indiana had not heard of "popular sovereignty," or if they, by any lucky chance, had heard these pregnant and magic words, they surely did not apprehend their meaning. But let us be grave, for the subject certainly is one of the gravest importance. You see, my fellow-citizens, that, in the early infancy of our Constitutional history, all men, all Congresses, clearly asserted the right of Congress

to prohibit slavery in territories. Randolph reported against the prayer for slavery, and said, in his reports, in substance, that the Territory would find ample compensation for the temporary want of labor, in more rapid emigration, and in being finally free from the evil influences of slavery; and so the committee and Congress, in this way, asserted their power to make laws for Indiana *Territory*, and *refused* to permit slavery there. Now *we have* found out what the Fathers *did* under the Constitution which the Fathers made, and so we have reached the main fact, that is, they said, by their *acts*, "When we made the Constitution, we *intended* to give, and *did* give, Congress power to enact laws for territories." But ten years pass away, and the year 1820 comes, freighted with its cares, its wise men and their deeds — very weak men these of 1820, according to our modern standard; very foolish deeds theirs, according to the judgment of unshaven, unbearded boys of 1859. But what was the year of grace 1820? We old gentlemen who were of *that* day, and by special providence have been permitted to see the great light of *this*, can recall many of the events, aspects and feelings of 1820, with pleasure to ourselves, and not, we hope, without profit, as furnishing a small contingent of that *now* much despised article, experience, once deemed the true, and unfailing school of wisdom.

Our Republic, from its first emergence into the dignity of independent nationality, was never more truly national, or, if you please *American*, than in

this year 1820. We had then but recently come out of the war of 1812, with Great Britain. At the close of that war, "political parties" were all, all dead—one only remained, and that was an United American party. We were united in heart, in feeling, in principle, and in policy. Mr. Monroe was President at this time. He was singularly free from party asperity in feeling, and not at all troubled with hobbies or crotchets. Mr. Madison's administration, which preceded, had been characterized by a happy admixture of the best of the principles and policy of both of the Federal and Republican parties, and Mr. Monroe walked in his footsteps. The cabinet of Mr. Monroe was composed of men, each of whom might be truly said to be "a man." John Quincy Adams was Secretary of State; William H. Crawford, Secretary of the Treasury; John C. Calhoun, Secretary of War; Samuel L. Southard, Secretary of the Navy; William Wirt, Attorney-General. John McLean was Post-Master General, but this officer was not then a member of the cabinet. Each one and all of these eminent men may be said to have been great and good men. Their history justifies me in this opinion. While these men composed the Executive department of the government, Congress admitted Missouri into the Union. The northern boundary of Missouri was the line of latitude 36° 30′; north of this line there were no white inhabitants; all north of it was territory, the same now known as Kansas and Nebraska. Missouri was admitted with slavery, for good reasons, which I will show you

presently. But at the same time (1821) the then Congress enacted a law which declared, that all the *territory* comprehended in the Louisiana purchase lying north of latitude 36° 30′ should be forever *free* territory. By this law slavery was forever forbidden in all the territory now organized as Kansas and Nebraska Territories. The question was then settled by Congress again, as we now contend it should have been, and is still, "that Congress had the power to prohibit slavery in Territories." So far, we find the legislative department of the Government agreeing, by an unbroken series of decisions, that this power did exist, and, what we should never forget, "that it was also expedient, and for the public good, to prohibit slavery in the Territories, wherever it did not exist before such prohibition."

Now for the executive department. We have seen that Mr. Monroe was president at this time, and we have already heard who, and what *sort* of men composed his cabinet. We now know, that this very question was submitted for decision to that cabinet, and that every member of it, including Mr. Monroe, agreed that Congress had power, under, and by virtue of the Constitution, to enact that law—that is, they decided that Congress had the power to prohibit slavery in *Territories*, and Mr. Monroe accordingly approved and signed that bill. Now, I ask, where then was the Constitution, with slavery under its arm in all territories, as they now say, bearing its blessed freight abroad, "*suo proprio vigore?*" Where was "popular sovereignty" then? Where was the

watchful eye of Monroe, the appointed keeper of the Constitution? Where was the profound learning of Adams? where the calm wisdom and rigid construction of Crawford? Where slept the keen sagacity and analytic powers of Calhoun? where the law learning, and deliberative mind of Southard? and above all, what fatal opiate had drugged the all-accomplished mind of Wirt into lethean forgetfulness? My countrymen, my friends, can you believe that President Pierce and his cabinet, and a few such gentlemen as we all know, in Congress, in the year of grace, 1854, knew more of the true meaning of the blessed Constitution of this country, than the men of 1803, of 1804, of 1810, or those whom I have named, in 1820 and in 1821? It is not necessary that I should draw the parallel, or compare, or contrast the intellect or the patriotism of these two classes of men. The men of 1821 enacted the prohibition of slavery in the territory north of 36° 30′. The men of 1854 repealed that law. Compare the two; let every man be his own Plutarch, I can not now speak their lives.

Let us now pass over the time between 1821 and 1848. In the latter year, Oregon Territory was organized. Pause here a moment and consider *how* this became necessary. The anxious, busy, sleepless, hardy Yankee had been whaling in the Pacific. He had read of Grey and Kendricks' wanderings in that sea, of their sailing up the Columbia river. He had, perhaps, anchored at the mouth of that river with his "home returning freight" of oil. He had,

it may be, mixed a can of switchel there and looked out upon the land. He comes home, and forthwith the logger in Maine prepares to migrate. The man in Connecticut, and in Massachusetts, quits his cotton-mills, his cutleries, his comb-factories, and lo! the next tidings you hear of Jonathan, he is down on the Pacific, with "shop up and shingle out" ready for business. From that moment, no whale nor salmon shall have a "christian burial" west of the Stony Mountains. Minks, seals, otters, and all fur-bearing creatures, ye are hats and caps and no "living thing," from thenceforth forevermore. It is clear that such a people should be "organized," and so it was done in the year 1848. In that bill, slavery in Oregon territory was prohibited, and Mr. Polk, then president, "approved" and signed it. In the intermediate time between 1821 and 1848, very many acts of Congress, enacting, or recognizing the same principle (the power of Congress to make laws for Territories) were passed, signed and approved. But still further, in all the organic laws made for all territories, I think (perhaps there may be an exception or two) where Congress authorize a territorial legislature to enact laws, they go on to provide in substance that all laws enacted by such legislatures shall be reported to Congress, and if Congress shall disapprove them, *they shall* be null and void. This you will find in the acts of 1850, organizing Utah and New Mexico. The same provision is in the organic law of Washington territory, passed in 1852. Does not that provision assert the omnipotent legislative

power of Congress over territories, in total forgetfulness of popular sovereignty, or even constitutions, "*suo proprio vigore*" extending slavery. All such laws have been enacted by Congresses of every hue of politics, various as these shades have been, and approved by Presidents of all parties. Thus we have the legislative and executive departments from the adoption of the United States Constitution up to 1852, a period of over sixty years, affirming the Republican doctrine held by us, my Republican brethren, this 19th day of July, 1859. Now we see where the "Fathers'" foot-prints are, the road is plain, well paved, and straight. The milestones are red with revolutionary blood. We can not be lost in it. With God's blessing, and I humbly trust with his approval, we will aver, this day, that neither Presidents nor President-makers, nor principalities nor powers, shall stop us in our march *onward* in *that* road.

My fellow-citizens, I invoke your patience while we look for a moment, into the judicial department. If we can find our Republican principles approved there, then authority, example, precedent, can go no further.

In the year 1828, the case of "The American Insurance Co., and others, against David Carter," came before the Supreme Court of the United States—John Marshall being then Chief Justice. This case will be found reported in 1*st Peters' Reports*, page 511. This question of the power of Congress over Territories is spoken of by Justice Marshall, in *that*

case, in these terms. I will read his words—for the words of such a man should never be repeated but with care and reverence. Speaking of the treaty by which we acquired Florida from Spain, he says: "*The treaty is the law of the land, and admits the inhabitants of Florida to the enjoyment of the privileges, rights and immunities of citizens of the United States. It is unnecessary to inquire whether this is not their condition independent of stipulation. They do not, however, participate in political power; they do not share in the Government till Florida shall become a State.*" Now mark what follows: "*In the meantime, Florida continues to be a territory of the United States, governed by virtue of that clause in the Constitution which empowers Congress to make all needful rules and regulations respecting the territory or other property belonging to the United States. Perhaps the power of governing the territories belonging to the United States, which has not by becoming a State acquired the means of self-government, may result necessarily from the facts that it is not within the jurisdiction of any particular State, and is within the power and jurisdiction of the United States. The right to govern may be the inevitable consequence of the right to acquire territory. Whatever may be the source whence the power is derived, the possession of it is unquestioned.*" Now, whose opinions shall weigh against those of John Marshall, and I believe every judge on the bench then agreed with him? If it has pleased God ever to create a man with an intellect incapable of deceiving itself or being deceived by others, if Divine Wisdom ever endowed a human soul with the power of find-

ing his way to truth safely and certainly, through all the mists of prejudice and all the artfully-contrived mazes of sophistry, such a mind was given to Chief Justice Marshall. You have heard his opinions; they are the doctrines on *this* subject of our Republican party *this* day. The executive, legislative and judicial wisdom, all accordant for sixty years, assure us of our faith, and call on us to persevere in our practice. But what shall I say of the *Dred Scott* decision? Nothing. The question I am considering was not before the Court in that case, and therefore could not have been decided; "*obiter dicta*," there may be discussions relating to the subject, but no judicial, no authoritative decision on this question was possible in that case.

I have spoken of the Act organizing Utah and New Mexico, passed in 1850. You all remember the long and anxious debate which preceded the passage of that law; the fearful forebodings of some, the threats of dissolution of the Union by others—it was indeed a sad spectacle, a dark day. It came upon us by our conquest of Mexico. The treaty which terminated the Mexican war, gave us New Mexico and California. The treaty, I say, *gave us*, these provinces, but I should have said, it *gave them up* after we, by *strong* hand, had wrenched them from weak Mexico. The treaty was the deed of conveyance, the *right*, if right it may be called, was founded in the bloody victories of Buena Vista, Cerro Gordo, Chepultepec, and Molino del Rey. The evidences of our title, are the graves of many thousands of our

noble and heroic children. There was one bearing a humble part in your national councils then, who desired to put an end to that Mexican war before you had obtained these provinces. I shall not name that man. He ventured to prophesy that it would come to no good end; that when you had obtained this territory, whether by conquest or purchase, this very question of the extension of slavery into it would arise; that it would be a firebrand in our magazine; it would excite a spirit of discord, which in its wild and ungovernable fury might rend the family ties of the Union, and scatter us in disordered fragments away, far and forever away, from the good old family home builded for us by our fathers, in which we had so long and so happily dwelt. For this that man was burned in effigy often, but yet not burned up. This prediction was not very far from its fulfillment in 1850, if all the sinister aspects of that day may be trusted as giving "signs of the times." It was, perhaps, proper that we should be visited with troubles in managing such conquests. Retribution is with the God of the nations. May we not forget where that power is lodged by a certain Constitution enacted before time began, to be in full force throughout all eternity to come.

I ask you, my fellow-citizens, is there ever to be an end of this question? What does the Judge tell you when he decides a case? He tells you, in the language of the law, that "it is expedient for the country that there should be an end to the question." Your law titles depend upon that. Would

you not consider it strange, if, twenty years after, another court should come and decide the contrary? A sensible court would say, this has been decided twenty years ago, argued legally, and "it is expedient for the country that there should be an end to the question." If you want to have a written constitution that you can rely on at all, you must have an interpretation put upon the words, and let it read that way until the people choose to change it by altering the words, otherwise a written constitution will be made to read this thing one year, and another thing another year.

Now I wish to read, for the special benefit of weak brethren, a few words from a couple of the apostles of modern Democracy. On the 4th day of March, 1850, John C. Calhoun (the Compromise Bill of Mr. Clay being then under discussion in the Senate) spoke as follows: "In claiming the right for the inhabitants, instead of Congress, to legislate for the territories in the executive proviso, it assumes that the sovereignty over the Territories is vested in the former, or to express it in the language used in a resolution offered by one of the Senators from Texas (Gen. Houston), they have the same inherent right of self-government as the people of the States. *This assumption is utterly unfounded, unconstitutional, and contrary to the entire practice of the Government from its commencement to the present time.*" Mr. Calhoun then goes on with his comments upon the subject, and says, "*Nor is it less clear that the power of legislating over the acquired territory is vested in Congress,*

and not, as is assumed, in the inhabitants of the Territories." Thus far Mr. Calhoun in 1850.

On the 2d day of June, 1850, this same subject being still under discussion, Mr. Douglas thus delivers himself of his opinions. Let it not be forgotten that Mr. D. must have reflected much and long on this very subject, as he had long served as chairman of the committee on Territories. I read from his reported speech, doubtless carefully revised by himself: "*But, sir, I do not hold the doctrine*, that to exclude any species of property by law, from any territory, is a violation of any right to property. Do you not exclude banks from most of the Territories? Do you not exclude whisky from being introduced into large portions of the territory of the United States? Do you not exclude gambling-tables, which are properly recognized as such, in the States where they are tolerated? And, has any one contended that the exclusion of ardent spirits was a violation of any Constitutional privilege or right? and yet it is the case in a large portion of the territory of the United States; but there is no outcry against that, because it is the prohibition of a specific kind of property, and not a prohibition against any section of the Union. Why, sir, our laws now prevent a tavern-keeper from going into some of the Territories of the United States, and taking a bar with him, and using and selling spirits there. The law also prohibits certain other descriptions of business from being carried on in the Territories. *I am not, therefore, prepared to say that, under the Constitution we have*

not the power to pass laws excluding negro slaves from Territories. It involves the same principle." — (Vol. 21 *Cong. Globe*, p. 1,115.)

Now what are we to conclude from this array of the history of this question, and the uniform opinions of the greatest, the wisest, and *all men* down to the least? Beginning from the first establishment of our present constitutional government, and ending in 1850, or perhaps more properly in 1852, when Washington Territory was organized, reserving ultimate legislative power over that territory in Congress? I ask my brother Democrats, whether of the Buchanan or Douglas church, shall we not adhere to the opinions of the "fathers?" Have we the enormous egotism to suppose that we, we of this latter day, have better knowledge of the meaning of our political gospels than the fathers who wrote them? If you think and believe this folly, why then you are past praying for, and I am done with you.

We have now settled our constitutional rights as to the extent and mode in which the Republicans propose to prevent the further extension of slavery. I wish here to say, that I think this prohibitory power should be exerted as to all territory *now* ours, and all that shall become ours wherever slavery is not established when such territory is acquired, with this qualification, that it must be such climate as a white man, and the white race generally, can live and work *in*. I think it is a question not yet settled whether the white race, *our* white race, can work and live in health, in very hot latitudes.

Let us look for a moment into our duties under the Constitution toward the slaveholding States. Much excitement has existed in Ohio and elsewhere about the "Fugitive Slave Bill"—so it is familiarly called. This subject has not yet been fairly and dispassionately presented *to the people.* It may have been so presented to courts, and in courts, but not, as I believe, in our popular meetings. The act of 1850 has many objectionable provisions which are easily misunderstood, and which are altogether useless and of no avail in the practical operation of the law. I should not have voted for that law had I been in the Senate when it passed. I prefer the old law of 1793; it is free from most of the follies of the present law, and it is just as easy to reclaim a fugitive under the first as under the law of 1850. I understand that some in Ohio, and it may be some on the Kentucky side, have supposed that any man from Kentucky who comes here in pursuit of a fugitive, a runaway negro, can command a citizen of Ohio to aid him in catching him. This is said to be the opinion in Kentucky. I should like to know if this be so. My friend, Mr. Moore, now on the rostrum, recently, I am happy to inform you, elected to Congress from the district in Kentucky opposite to us, can say whether this be so.

[Here Mr. MOORE observed, "That is so."]

Well, that may be your construction, but you, and all in Ohio, who have (as I believe), to render this law odious, maintained this construction, are all mis-

taken. The law requires no such thing; it could not compel us here to do so, were a thousand laws made for that purpose. I know the act of 1850 requires all citizens to aid the master or his agent, or the officer having process to arrest a fugitive, *when such master, his agent, or the officer, is resisted by a mob or any force which can not be repelled without such aid.*

[Mr. MOORE here remarked, "We say as you do, if we are resisted then you must aid us."]

Exactly so, such is the law. Now this is precisely what is enjoined by the laws of Ohio, and I suppose all the States, when the execution of the laws is forcibly resisted. In such case, we do not aid in reclaiming a slave, but we aid in suppressing a mob, we aid in putting down forcible resistance to law, to *our* law, for all laws of the United States are the laws made by the representatives of *all* the people of the United States. But some of our people, some who act with us, very few I think, say this law is not a binding law, because it is contrary to the Constitution, and above all, they say it is opposed to the "natural inherent rights of man." Now, I have to say as to the first of these objections, the courts both state and federal have decided that this law is not contrary to the United States Constitution, and that Congress had power to enact *that* law. The Supreme Court of Ohio has very recently, on solemn argument, so decided. This is enough for me and all law-abiding men. We must obey and not resist that law. If we do not think it a good law, why go to

the ballot-box, elect men who will alter or repeal it. The cartridge-box is not to be resorted to in this country in such matters; that other more harmless box, the ballot-box, is our resort in all such cases. If the majority is against us, why we *must* submit. There can be no government possible, if any and every individual may determine for himself, what law he will obey, and what he will *not* obey. As to the *inherent* right of a slave to run away from his master, why this inherent right ceases, if the Constitution has said his master may follow him and reclaim him. I think, in such a case, the master's *constitutional* rights will be likely to vanquish the slave's "inherent" right. We can have no inherent rights in our Government which conflict with rights established by our organic law, else in the case put by me now, we must be driven to declare the United States Constitution itself to be *unconstitutional.* This would be the grossest nonsense. But what says the Constitution? In the fourth article and the last paragraph in section two, you can read these words: "No person held to service or labor in one State, under the laws thereof, escaping into another, shall in consequence of any law or regulation therein, be discharged from such service or labor, *but shall be delivered up, on claim of the party to whom such service or labor may be due.*" Now you see, my Republican friends, that we are required by this clause of that sacred instrument not to help away a fugitive or resist his capture, but it requires of us that he "*shall be delivered up on claim of the party to whom his service*

or labor may be due." This, in plain words, means that a slave who runs away from Kentucky, shall be by us delivered to his master when he, the master, or his agent, comes here after him. Now you, the Republican party claim that your Congress may prohibit slavery in Territories. How came you by such right? Only by virtue of this very United States Constitution can you claim to do this. Is it not fair, then, that the right of your southern brother to reclaim his runaway slave, given to him in this same Constitution, should be conceded to him. Will you take so much of the Constitution as you like to-day, and abrogate what you don't like? Yet this is just the thing, this is the absurdity which some few people, well-meaning men, perhaps, seem to require of us. I proclaim here to-day to all whom it may concern, that such is not the doctrine of the Republican party of Ohio. If this were its doctrine it would dwindle into a contemptible minority, in one day after it should be made known.

There is another question sometimes mooted in and out of Congress, dividing, it is said, the North and the South: Shall any more slave States be admitted into the Union? Now I wish to answer this question for myself. If you will conquer or purchase any state, province or territory, wherein slavery is an established institution, and agree, as you did in the Louisiana treaty, to admit such province, island, or Territory into the Union, with such rights as belong to the original States, then I say you must admit them with their slavery. Such treaty is the supreme

law of the land. It is so declared by the Constitution. To that supreme law you must submit, in the case I have supposed. Let me here read an extract from a speech of John Quincy Adams, in Congress, on the admission of Arkansas into the Union, in 1836:

"Mr. CHAIRMAN:—I can not, consistently with my sense of my obligations as a citizen of the United States, and bound by oath to support their Constitution, I can not object to the admission of Arkansas into the Union as a slave State, as Louisiana, and Mississippi, and Alabama, and Missouri have been admitted by virtue of that article in the treaty for the acquisition of Louisiana, which secures to the inhabitants of the ceded territories, all the rights, privileges, and immunities of the original citizens of the United States, and stipulates for their admission, conformably to that principle, into the Union. Louisiana was purchased as a country wherein slavery was the established law of the land. As Congress have not power in time of peace to abolish slavery in the original States of the Union, they are equally destitute of the power in those parts of the territory ceded by France to the United States, by the name of Louisiana, where slavery existed at the time of the acquisition. Slavery is in this Union the subject of internal legislation in the States, and in peace is cognizable by Congress, only as it is tacitly tolerated and protected where it exists by the Constitution of the United States, and as it mingles in their intercourse with other nations. Arkansas therefore comes, and has the right to come, into the Union with her slaves, and with her slave laws. It is written in the bond, and, however I may lament that it ever was so written, I must faithfully perform its obligations."

Mr. Adams was not the man to favor slavery, but he was the man to follow, with fearless intrepidity, the dictates of truth, justice and honor. He well

understood, if any man ever did, the powers of the States and of the General Government, and he would not flinch from the great paramount duty of an American statesman, in yielding to each that which belonged to each. My opinion is, and always was, what he has so happily expressed in the extract which I have read. Let us suppose that you purchase the Island of Cuba, which by-the-way you will not do soon—Cuba has a well and long-established institution called Slavery—you will not, probably (as you did not in the case of California and New Mexico), ask the consent of the people of Cuba to come into the Union or under your government in any form. What is the great and universally accepted dogma on which all your institutions rest? It is thus expressed, "all *rightful* power of government is derived from, the consent of the people to be governed." When you *buy* from the king or queen of Spain the right to govern the Island and people of Cuba, will you provide that the purchase money shall not be paid until the consent of the people to the transfer shall be given by a vote of all the white male inhabitants of the Island? If you will, then you will never get Cuba, unless you take her with slavery. The people will not consent to come under your yoke unless you take slavery, as an established law, also. If you provide for their admission into the Union with equal rights with the other States, then your former practice, and Mr. Adam's opinion, and *mine*, and that of every other man who regards the sanctity of treaties, will settle the question.

My friends, I must conclude. I have exhausted my strength, and am sure I have overtaxed your patience. One word of advice at parting. If you wish to silence, for our time, and for a long time, this disturbing and dangerous question of slavery, you have nothing to do but resolve that you will acquire no more territory for the next twenty years. That which you now have will never raise the question; it is that which you expect to get, which gives the question all its real importance. You already have about one-tenth part of the globe, within your territorial limits. Be content with that—cultivate well what you have; raise up *men*, good men, honest men; improve the animal man, and be not too careful to extend your power. This done, and the South and the North, and the East and the West will rush into each others' arms, and cling closer to each other on account of the former partial estrangement. Then we shall be indeed citizens, *fellow*-citizens of *one* country, and that country free, powerful, and happy—all, all uniting in thankfulness to God for the happy times in which we live, the great country we live in, and the glorious institutions we live under. God bless you all, my friends. I have given you much good advice to-day, much of which I fear some will not follow. I charge you nothing for it, but believe me, and try it. I am sure if you will, it shall profit you quite as much as counsel for which I dare say some of you have often paid what you may have thought was a very large fee.